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LLS NO. 18-0067.01 Debbie Haskins x2045

COMMITTEE BILL

Statutory Revision Committee

BILL TOPIC: "Modernize Terms Admin Organization Exec Branch"

A BILL FOR AN ACT

101 **CONCERNING THE NONSUBSTANTIVE MODERNIZATION OF THE**
102 **TRANSFER TERMINOLOGY USED IN THE COLORADO REVISED**
103 **STATUTES RELATING TO THE ORGANIZATION OF STATE**
104 **GOVERNMENTAL AGENCIES WITHOUT ALTERING THE STATUS OF**
105 **THE POWERS ASSIGNED TO THOSE AGENCIES UNDER THE**
106 **"ADMINISTRATIVE ORGANIZATION ACT OF 1968".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

Statutory Revision Committee. Under current law, the "Administrative Organization Act of 1968" ("Administrative Organization Act") sets forth the organizational structure of the principal departments of the executive branch based upon a series of transfers and allocations of units of government, referred to as "entities", that occurred in 1968 and as amended since that time as entities were created or transferred. The "Administrative Organization Act" defines 3 types of transfers that determine the relationship between an entity and the principal department in the executive branch. The designation of an entity as a **type 1** or **type 2** entity, and the transfer of the entity's powers, duties, and functions to another entity by a **type 1** or **type 2** transfer, affects the authority of the entity and defines the relationship between the entity and the principal department to which the entity is assigned.

The bill modernizes and simplifies the terminology used in creating and transferring entities amongst principal departments under the "Administrative Organization Act" and throughout the Colorado Revised Statutes, while preserving the status and the powers assigned in current law to entities in the "Administrative Organization Act".

The bill defines "**type 1** entity" and "**type 2** entity" and states that when a new entity is created as a **type 1** entity or a **type 2** entity and allocated to a principal department under the "Administrative Organization Act", the entity has all of the powers, duties, and functions of a **type 1** or **type 2** entity, respectively, as so defined. The bill amends the "Administrative Organization Act" to state that, unless specifically stated otherwise in law, a **type 1** or **type 2** transfer of an entity from one principal department to another principal department includes the transfer of all of the associated powers, duties, and functions of the prior entity to the successor principal department. The bill also amends the "Administrative Organization Act" to clarify that every act performed in the exercise of transferred powers, duties, and functions by or under the authority of a successor principal department is deemed to have the same force and effect as if performed by or under the prior principal department.

The bill amends organic statutes for the principal departments to insert the actual **type 1** or **type 2** status of the entities within those principal departments where the **type 1** or **type 2** status is not stated. The bill also amends the "Administrative Organization Act" to insert the actual **type 1** or **type 2** status of the entities where the **type 1** or **type 2** status is found in the organic statute but is missing in the "Administrative Organization Act".

Under current law, when an entity is abolished by a **type 3** transfer, the original entity and its powers, duties, and functions are transferred to another principal department. The original legislation making the **type 3** transfers often includes "boilerplate" language that

transferred the employees, records, and property of the original agency to its successor agency. The bill repeals those historical "boilerplate" provisions that have become outdated.

The bill also corrects errors in the names of entities to make the references consistent throughout the statutes and eliminates references to entities that no longer exist as a result of **type 3** transfers.

To aid the reader, the bill is organized to group all the amendments to each principal department, including conforming amendments, together.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 24-1-101 as
3 follows:

4 **24-1-101. Legislative declaration of necessity for the article -**
5 **legislative declaration regarding modernization of transfer**
6 **terminology - purposes of modernization of transfer terminology.**

7 (1) The general assembly declares that this ~~article~~ ARTICLE 1 is necessary
8 to create a structure of state government ~~which~~ THAT will be responsive
9 to the needs of the people of this state and sufficiently flexible to meet
10 changing conditions; to strengthen the powers of the governor and
11 provide a reasonable span of administrative and budgetary controls within
12 an orderly organizational structure of state government; to strengthen the
13 role of the general assembly in state government; to encourage greater
14 participation of the public in state government; to effect the grouping of
15 state agencies into a limited number of principal departments primarily
16 according to function; and to eliminate overlapping and duplication of
17 effort. It is the intent of the general assembly to provide for an orderly
18 transfer of powers, duties, and functions of the various state agencies to
19 such principal departments with a minimum of disruption of
20 governmental services and functions and with a minimum of expense. To

1 the ends stated in this section, this ~~article~~ ARTICLE 1 shall be liberally
2 construed.

3 (2) **Legislative declaration regarding the need for**
4 **modernization of the transfer terminology.** (a) THE GENERAL
5 ASSEMBLY FINDS THAT IN 1966, COLORADO VOTERS ADOPTED SECTION 22
6 OF ARTICLE IV OF THE STATE CONSTITUTION, WHICH CALLED FOR THE
7 GENERAL ASSEMBLY TO REORGANIZE THE STATE GOVERNMENT'S
8 EXECUTIVE BRANCH INTO NOT MORE THAN TWENTY PRINCIPAL
9 DEPARTMENTS AND DIRECTED THAT THE POWERS, DUTIES, AND FUNCTIONS
10 OF AGENCIES IN EXISTENCE AT THAT TIME BE ALLOCATED AMONG AND
11 WITHIN THOSE PRINCIPAL DEPARTMENTS. SECTION 22 OF ARTICLE IV OF
12 THE STATE CONSTITUTION ALSO DIRECTS THAT ALL NEW POWERS OR
13 FUNCTIONS CREATED AFTER THAT REORGANIZATION BE ASSIGNED TO
14 DEPARTMENTS, DIVISIONS, SECTIONS, OR UNITS OF THE EXECUTIVE
15 BRANCH, REFERRED TO IN THIS SECTION AS "ENTITIES", IN A MANNER AS TO
16 "TEND TO PROVIDE AN ORDERLY ARRANGEMENT IN THE ADMINISTRATIVE
17 ORGANIZATION OF STATE GOVERNMENT." AFTER SECTION 22 OF ARTICLE
18 IV OF THE STATE CONSTITUTION WAS ADOPTED, A LEGISLATIVE INTERIM
19 COMMITTEE ANALYZED EVERY ENTITY OF THE STATE GOVERNMENT,
20 DECIDED WHICH SHOULD BE ABOLISHED, AND CONSOLIDATED THE
21 REMAINING ENTITIES INTO PRINCIPAL DEPARTMENTS AND SPECIFIED THE
22 TYPES OF POWERS AND FUNCTIONS THAT EACH ENTITY POSSESSED UNDER
23 A TRANSFER CONCEPT BASED ON WHETHER THE ENTITY WAS TRANSFERRED
24 TO A PRINCIPAL DEPARTMENT BY A **TYPE 1** OR **TYPE 2** TRANSFER. BASED
25 ON THAT ANALYSIS, THE GENERAL ASSEMBLY ENACTED THE
26 "ADMINISTRATIVE ORGANIZATION ACT OF 1968", CONTAINED IN THIS
27 ARTICLE 1, WHICH LAID OUT THE STRUCTURE OF THE PRINCIPAL

1 DEPARTMENTS, ASSIGNED AND TRANSFERRED EVERY ENTITY TO A
2 PRINCIPAL DEPARTMENT, AND SPECIFIED WHETHER THE ENTITY WAS
3 TRANSFERRED BY A **TYPE 1** OR **TYPE 2** TRANSFER OR ABOLISHED THE
4 ENTITY THROUGH A **TYPE 3** TRANSFER.

5 (b) THE GENERAL ASSEMBLY FINDS THAT THE DESIGNATION OF AN
6 ENTITY AS A **TYPE 1** OR **TYPE 2** ENTITY, AND THE TRANSFER OF THE
7 ENTITY'S POWERS, DUTIES, AND FUNCTIONS TO ANOTHER ENTITY BY A
8 **TYPE 1** OR **TYPE 2** TRANSFER, AFFECTS THE AUTHORITY OF THE ENTITY
9 AND DEFINES THE RELATIONSHIP BETWEEN THE ENTITY AND THE PRINCIPAL
10 DEPARTMENT TO WHICH THE ENTITY IS ASSIGNED.

11 (c) THE GENERAL ASSEMBLY FINDS THAT THE TRANSFER
12 LANGUAGE USED IN THIS ARTICLE 1 IS OVERLY COMPLICATED AND
13 DIFFICULT FOR THE PUBLIC TO UNDERSTAND. IN ADDITION, THE CONCEPT
14 THAT A NEW ENTITY OR NEWLY TRANSFERRED ENTITY OBTAINS OR
15 RETAINS ITS POWERS "AS IF IT WERE TRANSFERRED", BASED ON A
16 REORGANIZATION THAT OCCURRED IN 1968, IS AN AWKWARD WAY OF
17 EXPRESSING THE ENTITY'S STATUS. THE GENERAL ASSEMBLY FINDS THAT
18 THE COLORADO REVISED STATUTES WOULD BE IMPROVED BY EXPRESSING
19 THE TRANSFER OF AN ENTITY AND ITS ASSOCIATED POWERS MORE
20 DIRECTLY. THE GENERAL ASSEMBLY ALSO FINDS THAT THERE ARE
21 NUMEROUS INCONSISTENCIES THAT HAVE ARISEN SINCE THE 1968
22 REORGANIZATION THAT ADD TO THE CONFUSION. WHILE THE STATUS OF
23 AN ENTITY IS EXPRESSED IN THIS ARTICLE 1, MANY TIMES THE **TYPE 1** OR
24 **TYPE 2** STATUS OF THE ENTITY IS NOT CONTAINED IN THE ORGANIC
25 STATUTE THAT GOVERNS THE ENTITY. THIS INCONSISTENCY RESULTS IN AN
26 ANOMALY IN WHICH THE STATUS OF AN ENTITY, WITH REGARD TO ITS
27 POWERS, DUTIES, AND FUNCTIONS, IS NOT FOUND IN THE ORGANIC STATUTE

1 FOR THAT ENTITY, WHICH IS WHERE A READER WOULD TYPICALLY LOOK
2 FOR THIS INFORMATION. FINALLY, THE GENERAL ASSEMBLY FINDS THAT
3 THE EXISTING STATUTES CONTAIN MANY INSTANCES OF OUTDATED
4 "BOILERPLATE" LANGUAGE RELATING TO **TYPE 3** TRANSFERS IN WHICH
5 ENTITIES WERE ABOLISHED.

6 (3) **Purpose of modernization of transfer terminology.** THE
7 GENERAL ASSEMBLY DECLARES THAT THE PURPOSE OF HOUSE
8 BILL/SENATE BILL 18-___ IS TO:

9 (a) MODERNIZE AND SIMPLIFY THE "ADMINISTRATIVE
10 ORGANIZATION ACT OF 1968" AND EXISTING STATUTES TO STATE THE
11 DESIGNATION OF THE STATUS OF AN ENTITY'S POWERS, DUTIES, AND
12 FUNCTIONS AS EITHER A **TYPE 1** OR **TYPE 2** ENTITY IN PLAIN ENGLISH AND
13 IN PRESENT TENSE WHENEVER AN ENTITY IS TRANSFERRED TO ONE
14 DEPARTMENT FROM ANOTHER OR WHEN A NEW ENTITY IS CREATED AND
15 ALLOCATED TO A PRINCIPAL DEPARTMENT AND ENSURE THAT ANY
16 CHANGES MADE IN THIS ACT WILL BE MADE WITHOUT CHANGING THE
17 DESIGNATION OF AN ENTITY'S **TYPE 1** OR **TYPE 2** STATUS AS CURRENTLY
18 ASSIGNED IN THE LAW;

19 (b) AMEND THE APPLICABLE ORGANIC STATUTES TO SPECIFY AND
20 ALIGN THE **TYPE 1** OR **TYPE 2** STATUS OF THE ENTITIES WITH THE
21 DESIGNATION OF THE **TYPE 1** OR **TYPE 2** STATUS THAT IS ASSIGNED IN THE
22 "ADMINISTRATIVE ORGANIZATION ACT OF 1968";

23 (c) CORRECT ERRORS IN THE NAMES OF ENTITIES AND REFERENCES
24 TO ENTITIES THAT NO LONGER EXIST AND CORRECT ERRORS WHERE A **TYPE**
25 **1** OR **TYPE 2** STATUS IS IN THE ORGANIC STATUTE BUT IS MISSING IN THE
26 "ADMINISTRATIVE ORGANIZATION ACT OF 1968"; AND

27 (d) REPEAL OUTDATED HISTORICAL "BOILERPLATE" PROVISIONS

1 RELATING TO THE TRANSFER OF FUNCTIONS FROM ONE DEPARTMENT TO
2 ANOTHER DEPARTMENT IN A **TYPE 3** TRANSFER THAT ABOLISHED THE
3 ORIGINAL ENTITY.

4 **SECTION 2.** In Colorado Revised Statutes, **amend 24-1-105** as
5 follows:

6 **24-1-105. Types of entities - transfers - effect of transfer of**
7 **powers, duties, and functions - definitions.** (1) AS USED IN THIS
8 ARTICLE 1 AND THROUGHOUT EVERY STATUTE, UNLESS THE CONTEXT
9 OTHERWISE REQUIRES:

10 (a) "**TYPE 1 ENTITY**" MEANS AN ENTITY THAT IS ADMINISTERED
11 UNDER THE DIRECTION AND SUPERVISION OF A PRINCIPAL DEPARTMENT,
12 BUT EXERCISES ITS PRESCRIBED STATUTORY POWERS, DUTIES, AND
13 FUNCTIONS, INCLUDING RULE-MAKING, REGULATION, LICENSING, AND
14 REGISTRATION; THE PROMULGATION OF RULES, RATES, REGULATIONS, AND
15 STANDARDS; AND THE RENDERING OF FINDINGS, ORDERS, AND
16 ADJUDICATIONS, INDEPENDENTLY OF THE HEAD OF THE PRINCIPAL
17 DEPARTMENT. UNDER A **TYPE 1** ENTITY, ANY POWERS, DUTIES, AND
18 FUNCTIONS NOT SPECIFICALLY VESTED BY STATUTE IN THE ENTITY,
19 INCLUDING, BUT NOT LIMITED TO, ALL BUDGETING, PURCHASING,
20 PLANNING, AND RELATED MANAGEMENT FUNCTIONS OF THE ENTITY, ARE
21 PERFORMED UNDER THE DIRECTION AND SUPERVISION OF THE HEAD OF THE
22 PRINCIPAL DEPARTMENT.

23 (b) "**TYPE 2 ENTITY**" MEANS AN ENTITY WHOSE STATUTORY
24 AUTHORITY, POWERS, DUTIES, AND FUNCTIONS, INCLUDING THE FUNCTIONS
25 OF BUDGETING, PURCHASING, AND PLANNING, ARE UNDER THE DIRECTION
26 AND SUPERVISION OF THE HEAD OF THE PRINCIPAL DEPARTMENT.

27 (2) AS USED IN THIS ARTICLE 1, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES, "ENTITY" MEANS A PRINCIPAL DEPARTMENT OF THE STATE OR
2 ANY DIVISION, INSTITUTION, OR PART OF A PRINCIPAL DEPARTMENT, OR
3 ANY AGENCY, BOARD, COMMISSION, OR UNIT OF STATE GOVERNMENT THAT
4 IS CREATED IN OR ASSIGNED TO A PRINCIPAL DEPARTMENT OF THE STATE.
5 "ENTITY" MAY ALSO INCLUDE AN INDIVIDUAL PERSON CARRYING OUT
6 POWERS, DUTIES, OR FUNCTIONS.

7 ~~(1)~~ (3) ~~Under AS USED PURSUANT TO this article~~ ARTICLE 1, a **type**
8 **1** transfer means the transferring intact of an ~~existing department,~~
9 ~~institution, or other agency, or part thereof,~~ ENTITY FROM A PRINCIPAL
10 DEPARTMENT ESTABLISHED BY THIS ARTICLE 1 to ~~a~~ ANOTHER principal
11 department established by this ~~article~~ ARTICLE 1. When any ~~department,~~
12 ~~institution, or other agency, or part thereof,~~ ENTITY is transferred to a
13 principal department under a **type 1** transfer, that ~~department, institution,~~
14 ~~or other agency, or part thereof, shall be~~ ENTITY IS administered under the
15 direction and supervision of that principal department, but ~~it shall~~
16 ~~exercise~~ THE ENTITY EXERCISES its prescribed statutory powers, duties,
17 and functions, including rule-making, regulation, licensing, and
18 registration, the promulgation of rules, rates, regulations, and standards,
19 and the rendering of findings, orders, and adjudications, independently of
20 the head of the principal department. Under a **type 1** transfer, any powers,
21 duties, and functions not specifically vested by statute in the ~~agency~~
22 ENTITY being transferred, including, but not limited to, all budgeting,
23 purchasing, planning, and related management functions of any
24 transferred ~~department, institution, or other agency, or part thereof, shall~~
25 ~~be~~ ENTITY, ARE performed under the direction and supervision of the head
26 of the principal department. WHEN A NEW ENTITY IS CREATED AS A **TYPE**
27 **1** ENTITY AND ALLOCATED TO A PRINCIPAL DEPARTMENT UNDER THIS

1 ARTICLE 1, THE ENTITY HAS ALL OF THE POWERS, DUTIES, AND FUNCTIONS
2 OF A **TYPE 1** ENTITY AS DEFINED IN SUBSECTION (1)(a) OF THIS SECTION.

3 ~~(2)~~ (4) ~~Under~~ AS USED PURSUANT TO THIS ~~article~~ ARTICLE 1, A **type**
4 **2** transfer means the transferring of all or part of an ~~existing department,~~
5 ~~institution, or other agency~~ ENTITY FROM A PRINCIPAL DEPARTMENT
6 ESTABLISHED BY THIS ARTICLE 1 TO A ANOTHER principal department
7 established by this ~~article~~ ARTICLE 1. When all or part of any ~~department,~~
8 ~~institution, or other agency~~ ENTITY IS TRANSFERRED TO A PRINCIPAL DEPARTMENT
9 UNDER A **type 2** transfer, its statutory authority, powers, duties, and
10 functions, records, personnel, property, and unexpended balances of
11 appropriations, allocations, or other funds, including the functions of
12 budgeting, purchasing, and planning, are transferred to the principal
13 department. WHEN A NEW ENTITY IS CREATED AS A **TYPE 2** ENTITY AND
14 ALLOCATED TO A PRINCIPAL DEPARTMENT UNDER THIS ARTICLE 1, THE
15 ENTITY HAS ALL OF THE POWERS, DUTIES, AND FUNCTIONS OF A **TYPE 2**
16 ENTITY AS DEFINED IN SUBSECTION (1)(b) OF THIS SECTION.

17 ~~(3)~~ (5) ~~Under~~ AS USED PURSUANT TO THIS ~~article~~ ARTICLE 1, A **type**
18 **3** transfer means the abolishing of an existing department, institution, or
19 other agency and the transferring of all or part of its powers, duties,
20 functions, records, personnel, property, and unexpended balances of
21 appropriations, allocations, or other funds to a principal department as
22 specified under this ~~article~~ ARTICLE 1.

23 ~~(4)~~ (6) When any ~~department, institution, or other agency, or part~~
24 ~~thereof~~, ENTITY IS TRANSFERRED BY A **type 2** OR **type 3** transfer to a principal
25 department under the provisions of this ~~article~~ ARTICLE 1, its prescribed
26 powers, duties, and functions, including rule-making, regulation,
27 licensing, promulgation of rules, rates, regulations, and standards, and the

1 rendering of findings, orders, and adjudications are transferred to the head
2 of the principal department into which the ~~department, institution, or~~
3 ~~other agency, or part thereof~~, ENTITY has been transferred.

4 (7) UNLESS SPECIFICALLY STATED OTHERWISE IN LAW, A **TYPE 1**
5 **OR TYPE 2** TRANSFER OF AN ENTITY FROM ONE PRINCIPAL DEPARTMENT TO
6 ANOTHER PRINCIPAL DEPARTMENT INCLUDES THE TRANSFER OF ALL OF THE
7 ASSOCIATED POWERS, DUTIES, AND FUNCTIONS OF THE PRIOR ENTITY TO
8 THE SUCCESSOR PRINCIPAL DEPARTMENT. EVERY ACT PERFORMED IN THE
9 EXERCISE OF TRANSFERRED POWERS, DUTIES, AND FUNCTIONS BY OR
10 UNDER THE AUTHORITY OF A SUCCESSOR PRINCIPAL DEPARTMENT IS
11 DEEMED TO HAVE THE SAME FORCE AND EFFECT AS IF PERFORMED BY OR
12 UNDER THE PRIOR PRINCIPAL DEPARTMENT. <{*This language is drawn*
13 *from and moved from section 24-1-129, which is repealed in section 3.*
14 *This consolidates the effect of transfers done in 1968 and any transfers*
15 *since 1968, including future transfers after this bill.*>

16 **SECTION 3.** In Colorado Revised Statutes, **repeal** 24-1-129 as
17 follows:

18 **24-1-129. Effect of transfer of powers, duties, and functions.**
19 ~~Any principal department to which powers, duties, and functions of any~~
20 ~~existing department, institution, or other agency are transferred or any~~
21 ~~division, section, or unit of any principal department to which such~~
22 ~~powers, duties, and functions are allocated shall be the successor in every~~
23 ~~way with respect to such powers, duties, and functions of the department,~~
24 ~~institution, or other agency in which such powers, duties, and functions~~
25 ~~were vested prior to July 1, 1968, except as otherwise provided by this~~
26 ~~article. Every act performed in the exercise of such powers, duties, and~~
27 ~~functions by or under the authority of the principal department or any~~

1 ~~division, section, or unit thereof to which such powers, duties, and~~
2 ~~functions are transferred or allocated by this article shall be deemed to~~
3 ~~have the same force and effect as if performed by the department,~~
4 ~~institution, or other agency in which such functions were vested prior to~~
5 ~~July 1, 1968. When any such department, institution, or other agency is~~
6 ~~referred to or designated by any law, contract, or other document, such~~
7 ~~reference or designation shall be deemed to apply to the principal~~
8 ~~department or the division, section, or unit thereof in which the powers,~~
9 ~~duties, and functions of such department, institution, or other agency so~~
10 ~~referred to or designated are vested by the provisions of this article.~~

11 <{*This section addressed the effect of the transfers that were made in*
12 *the 1968 reorganization. The important concepts that are still relevant*
13 *to transfers are now moved to section 24-1-105 (7), C.R.S.*>

14 **SECTION 4.** In Colorado Revised Statutes, 24-1-111, **amend** (2)
15 and (3) as follows:

16 **24-1-111. Department of state - creation.** (2) The department
17 of state and the office of secretary of state, created by article IV of the
18 state constitution, and the powers, duties, and functions vested by law in
19 said department and said office are transferred by a **type 2** transfer to the
20 department of state, subject to the state constitution. <{*Should subsection*
21 *(2) be amended? The secretary of state is an elected official who is the*
22 *head of the department of state. This is different than the head of an*
23 *executive department who is appointed by the Governor and subject to*
24 *Senate confirmation. I am reluctant to amend this section in the same*
25 *way as for departments headed by an appointed executive director.*
26 *Same issue for the state treasurer and the attorney general.*>

27 (3) ~~The department of state includes~~ The electronic recording

1 technology board established in section 24-21-402 (1) ~~and its powers,~~
2 ~~duties, and functions, as if the board were~~ IS transferred by a **type 1**
3 ~~transfer as such transfer is defined in section 24-1-105~~ TO THE
4 DEPARTMENT OF STATE AND EXERCISES ITS POWERS, DUTIES, AND
5 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

6 **SECTION 5.** In Colorado Revised Statutes, 24-21-402, **amend**
7 (1)(a) introductory portion as follows:

8 **24-21-402. Electronic recording technology board - creation**
9 **- enterprise status.** (1) (a) The electronic recording technology board is
10 created in the department of state. THE BOARD EXERCISES ITS POWERS,
11 DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION
12 24-1-105. The board consists of the secretary of state, or his or her
13 designee, and eight other members appointed as follows:

14 **SECTION 6.** In Colorado Revised Statutes, 24-1-112, **amend** (2)
15 as follows:

16 **24-1-112. Department of the treasury - creation.** (2) The
17 powers, duties, and functions of the department of the treasury, created
18 by article 36 of this ~~title~~ TITLE 24, and the powers, duties, and functions
19 vested by law or the state constitution in the office of state treasurer are
20 transferred by a **type 2** transfer to the department of the treasury, subject
21 to the state constitution. < *Should subsection (2) be amended? The state*
22 *treasurer is an elected official who is the head of the department of the*
23 *treasury. This is different than the head of an executive department*
24 *who is appointed by the Governor and subject to Senate confirmation.*
25 *I am reluctant to amend this section in the same way as for departments*
26 *headed by an appointed executive director. Same issue for the secretary*
27 *of state and the attorney general.* >

1 **SECTION 7.** In Colorado Revised Statutes, 24-1-113, **amend** (2),
2 (3)(a), (3)(b), (3)(d), and (4)(a) as follows:

3 **24-1-113. Department of law - creation.** (2) Except as otherwise
4 provided in this ~~article~~ ARTICLE 1 or by law, the powers, duties, and
5 functions of the department of law, created by article 31 of this ~~title~~ TITLE
6 24, and all other powers, duties, and functions vested by law or the state
7 constitution in the office of attorney general are transferred by a **type 2**
8 transfer to the department of law, subject to the state constitution.
9 <{*Should subsection (2) be amended? The attorney general is an*
10 *elected official who is the head of the department of law. This is*
11 *different than the head of an executive department who is appointed by*
12 *the Governor and subject to Senate confirmation. I am reluctant to*
13 *amend this section in the same way as for departments headed by an*
14 *appointed executive director. Same issue for the secretary of state and*
15 *the state treasurer.*>

16 (3) The department of law includes the following:

17 (a) ~~THE~~ division of legal affairs. The division of legal affairs,
18 created by article 31 of this ~~title~~, and its powers, duties, and functions are
19 TITLE 24, IS transferred by a **type 2** transfer to the department of law as
20 ~~the division of legal affairs~~ AND EXERCISES ITS POWERS, DUTIES, AND
21 FUNCTIONS UNDER THE DEPARTMENT OF LAW, SUBJECT TO THE STATE
22 CONSTITUTION, AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

23 (b) ~~THE~~ division of state solicitor general, including the office of
24 state solicitor general, created by part 2 of article 31 of this ~~title~~ TITLE 24.
25 The division of state solicitor general and the office of state solicitor
26 general ~~shall perform their duties and exercise their powers under the~~
27 ~~department of law as if the division of state solicitor general and office~~

1 ~~of state solicitor general were~~ ARE transferred by a **type 2** transfer as a
2 ~~division thereof~~ TO THE DEPARTMENT OF LAW AND EXERCISE THEIR
3 POWERS AND PERFORM THEIR DUTIES UNDER THE DEPARTMENT OF LAW,
4 SUBJECT TO THE STATE CONSTITUTION, AS **TYPE 2** ENTITIES, AS DEFINED IN
5 SECTION 24-1-105.

6 (d) The peace officers standards and training board created in part
7 3 of article 31 of this ~~title~~ TITLE 24. The peace officers standards and
8 training board ~~shall exercise its powers and perform its duties under the~~
9 ~~department of law as if the same were~~ IS transferred by a **type 2** transfer
10 TO THE DEPARTMENT OF LAW AND EXERCISES ITS POWERS AND PERFORMS
11 ITS DUTIES UNDER THE DEPARTMENT OF LAW AS A **TYPE 2** ENTITY, AS
12 DEFINED IN SECTION 24-1-105.

13 (4) (a) The collection agency board, created by article 16 of title
14 5, ~~and its powers, duties, and functions are~~ IS transferred by a **type 2**
15 transfer to the department of law as a section ~~of~~ IN the division of legal
16 affairs and ~~shall be~~ IS under the supervision of the administrator of the
17 "Uniform Consumer Credit Code", whose office is created by section
18 5-6-103. THE COLLECTION AGENCY BOARD EXERCISES ITS POWERS,
19 DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF LAW AS A **TYPE 2**
20 ENTITY, AS DEFINED IN SECTION 24-1-105.

21 **SECTION 8.** In Colorado Revised Statutes, 5-16-116, **add** (6) as
22 follows:

23 **5-16-116. Collection agency board - created.** (6) THE
24 COLLECTION AGENCY BOARD EXERCISES ITS POWERS, DUTIES, AND
25 FUNCTIONS UNDER THE DEPARTMENT OF LAW AS A **TYPE 2** ENTITY, AS
26 DEFINED IN SECTION 24-1-105.

27 **SECTION 9.** In Colorado Revised Statutes, **amend** 24-31-202 as

1 follows:

2 **24-31-202. Division of state solicitor general - office of state**
3 **solicitor general - creation.** There is ~~hereby~~ created the division of state
4 solicitor general, including the office of state solicitor general, in the
5 department of law, the head of which ~~shall be~~ IS the state solicitor
6 general. THE DIVISION OF STATE SOLICITOR GENERAL AND THE OFFICE OF
7 STATE SOLICITOR GENERAL EXERCISE THEIR POWERS, DUTIES, AND
8 FUNCTIONS UNDER THE DEPARTMENT OF LAW AS **TYPE 2** ENTITIES, AS
9 DEFINED IN SECTION 24-1-105.

10 **SECTION 10.** In Colorado Revised Statutes, 24-31-302, **amend**
11 (2) as follows:

12 **24-31-302. Creation of board.** (2) The P.O.S.T. board ~~shall~~
13 ~~exercise~~ EXERCISES its powers, ~~and perform its~~ duties, and functions
14 under the department of law as if transferred to the department by a **type**
15 **2 transfer**, as such transfer is defined in the "Administrative Organization
16 Act of 1968", article 1 of this title ENTITY, AS DEFINED IN SECTION
17 24-1-105.

18 **SECTION 11.** In Colorado Revised Statutes, 24-1-114, **amend**
19 (2), (3) introductory portion, (3)(b), (3)(c), (3)(d), and (6) as follows:

20 **24-1-114. Department of higher education - creation.** (2) The
21 Colorado commission on higher education and the office of executive
22 director thereof, created by article 1 of title 23, C.R.S., ~~and their powers,~~
23 ~~duties, and functions~~ are transferred by a **type 1** transfer to the department
24 of higher education AND EXERCISE THEIR POWERS, DUTIES, AND
25 FUNCTIONS AS **TYPE 1** ENTITIES, AS DEFINED IN SECTION 24-1-105.

26 (3) The department of higher education ~~shall include~~ INCLUDES
27 the following divisions:

1 (b) THE state historical society, created by part 2 of article 80 of
2 this ~~title. Its powers, duties, and functions, are~~ TITLE 24. THE STATE
3 HISTORICAL SOCIETY IS transferred by a **type 1** transfer to the department
4 of higher education as a division thereof AND EXERCISES ITS POWERS,
5 DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION
6 24-1-105.

7 (c) The student loan division, created by article 3.1 of title 23.
8 ~~C.R.S.~~ The division and the DIVISION'S director ~~thereof shall exercise their~~
9 ~~powers and perform their duties and functions as if~~ ARE transferred to the
10 ~~department~~ by a **type 2** transfer TO THE DEPARTMENT OF HIGHER
11 EDUCATION AND EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS UNDER
12 THE DEPARTMENT OF HIGHER EDUCATION AS **TYPE 2** ENTITIES, AS DEFINED
13 IN SECTION 24-1-105.

14 (d) The private occupational school division, created by article 64
15 of title 23. The private occupational school board, created by section
16 23-64-107, ~~shall exercise its powers and perform its duties and functions~~
17 ~~as if~~ IS transferred to the ~~department~~ by a **type 1** transfer TO THE
18 DEPARTMENT OF HIGHER EDUCATION AND EXERCISES ITS POWERS, DUTIES,
19 AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.
20 The division, except for the private occupational school board, and the
21 DIVISION'S director ~~thereof shall exercise their powers, and perform their~~
22 ~~duties, and functions as if~~ ARE transferred to the ~~department~~ by a **type 2**
23 transfer TO THE DEPARTMENT OF HIGHER EDUCATION AND EXERCISE THEIR
24 POWERS, DUTIES, AND FUNCTIONS AS **TYPE 2** ENTITIES, AS DEFINED IN
25 SECTION 24-1-105.

26 (6) The office of state archaeologist, created by part 4 of article
27 80 of this ~~title, and its powers, duties, and functions are~~ TITLE 24. THE

1 OFFICE OF STATE ARCHAEOLOGIST IS transferred by a **type 2** transfer to the
2 DEPARTMENT OF HIGHER EDUCATION AS A SECTION OF THE state historical
3 society. ~~as a section thereof.~~ THE OFFICE OF STATE ARCHAEOLOGIST
4 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT
5 OF HIGHER EDUCATION AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
6 24-1-105.

7 **SECTION 12.** In Colorado Revised Statutes, 23-1-102, **amend**
8 (2) as follows:

9 **23-1-102. Commission established - terms of office.** (2) There
10 is ~~hereby~~ established a central policy and coordinating board for higher
11 education in the state of Colorado, to be known as the Colorado
12 commission on higher education, referred to in this ~~article~~ ARTICLE 1 as
13 the "commission". The duties and powers delegated to the commission by
14 this ~~article~~ ARTICLE 1 apply to all state-supported institutions of higher
15 education, including, but not limited to, all postsecondary institutions in
16 the state supported in whole or part by state funds, and including
17 community colleges, extension programs of the state-supported
18 universities and colleges, local district colleges, area technical colleges,
19 the Auraria higher education center established in article 70 of this ~~title~~
20 TITLE 23, and specifically the regents of the university of Colorado and
21 the institutions it governs. The governing boards and institutions of the
22 public system of higher education in Colorado, including the university
23 of Colorado, are obligated to conform to the policies set by the
24 commission within the authorities delegated to it in this ~~article~~ ARTICLE
25 1. THE COMMISSION EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS
26 A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

27 **SECTION 13.** In Colorado Revised Statutes, 23-3.1-103, **amend**

1 (1) as follows:

2 **23-3.1-103. Division created - director - staff.** (1) There is
3 ~~hereby~~ created the student loan division in the department of higher
4 education and the office of director of the division. The division and the
5 director ~~shall~~ exercise their powers, ~~and perform their~~ DUTIES, AND
6 functions under ~~this article~~ THE DEPARTMENT OF HIGHER EDUCATION as
7 ~~if the same were transferred to the department by a type 2 transfer~~
8 ENTITIES, AS DEFINED IN SECTION 24-1-105. The director of collegeinvest
9 ~~shall be~~ IS the director of the division. The director, with the approval of
10 the executive director of the commission, shall employ such professional
11 and clerical personnel as deemed necessary to carry out the duties and
12 functions of the division. The director and professional personnel ~~are~~
13 ~~declared to~~ hold educational offices and ~~to be~~ ARE exempt from the state
14 personnel system.

15 **SECTION 14.** In Colorado Revised Statutes, **amend** 23-64-105
16 as follows:

17 **23-64-105. Private occupational school division - creation.**
18 There is ~~hereby~~ created the private occupational school division in the
19 department of higher education and the office of director of the division.
20 The division and the director ~~shall~~ exercise their powers, ~~and perform~~
21 ~~their~~ duties, and functions specified in this article 64 under the
22 department of higher education and the DEPARTMENT'S executive director
23 ~~thereof as if the same were transferred to the department by a type 2~~
24 ~~transfer as such transfer is defined in the "Administrative Organization~~
25 ~~Act of 1968", article 1 of title 24~~ ENTITIES, AS DEFINED BY SECTION
26 24-1-105. The director ~~shall be~~ IS appointed by the executive director.
27 The director, with the approval of the executive director, shall employ

1 such professional and clerical personnel as deemed necessary to carry out
2 the duties and functions of the division. The director and professional
3 personnel ~~are declared to hold educational offices and to be~~ ARE exempt
4 from the state personnel system.

5 **SECTION 15.** In Colorado Revised Statutes, 23-64-107, **amend**
6 (2) as follows:

7 **23-64-107. Private occupational school board - established -**
8 **membership.** (2) Effective July 1, 1998, there is established, in the
9 private occupational school division, the private occupational school
10 board that shall advise the director on the administration of this article 64
11 and ~~shall have~~ HAS the powers and duties specified in section 23-64-108.
12 The board ~~shall exercise~~ EXERCISES its powers, ~~and perform its~~ duties,
13 and functions specified in this article 64 as ~~if the same were transferred~~
14 ~~to the department of higher education by a type 1 transfer, as such~~
15 ~~transfer is defined in the "Administrative Organization Act of 1968",~~
16 ~~article 1 of title 24~~ ENTITY, AS DEFINED IN SECTION 24-1-105.

17 **SECTION 16.** In Colorado Revised Statutes, **amend** 24-80-201
18 as follows:

19 **24-80-201. Society an educational institution.** The state
20 historical society, an incorporated organization, is ~~hereby declared to be~~
21 one of the educational institutions of the state of Colorado. The state
22 historical society exercises its powers, duties, and functions under the
23 department of higher education as ~~if it were transferred to the department~~
24 ~~by a type 1 transfer under the provisions of the "Administrative~~
25 ~~Organization Act of 1968", article 1 of this title~~ ENTITY, AS DEFINED IN
26 SECTION 24-1-105.

27 **SECTION 17.** In Colorado Revised Statutes, **amend** 24-80-403

1 as follows:

2 **24-80-403. Office of state archaeologist - purpose.** There is
3 ~~hereby~~ established the office of state archaeologist, which ~~shall be~~ IS a
4 section within the society in the department of higher education. THE
5 OFFICE OF STATE ARCHAEOLOGIST EXERCISES ITS POWERS, DUTIES, AND
6 FUNCTIONS UNDER THE DEPARTMENT OF HIGHER EDUCATION AS A **TYPE 2**
7 ENTITY, AS DEFINED IN SECTION 24-1-105. The purpose of the office of
8 state archaeologist ~~shall be~~ IS to coordinate, encourage, and preserve by
9 the use of appropriate means the full understanding of this state's
10 archaeological resources as the same pertain to ~~man's~~ HUMANKIND'S
11 cultural heritage, the study and understanding of which within the state
12 of Colorado will result in an ultimate benefit to the citizens of this state.

13 **SECTION 18.** In Colorado Revised Statutes, 23-41-201, **amend**
14 (1) as follows:

15 **23-41-201. Transfer of geological survey - memorandum of**
16 **understanding - report.** (1) With the exception of the Colorado
17 avalanche information center created pursuant to section 24-33-116,
18 ~~C.R.S.~~, on January 31, 2013, the Colorado geological survey and the
19 office of the state geologist ~~and their powers, duties, and functions~~ are
20 transferred from the department of natural resources to the Colorado
21 school of mines ~~The Colorado school of mines shall exercise its powers~~
22 ~~and perform its functions and duties as if the geological survey and the~~
23 ~~office of the state geologist were transferred to the Colorado school of~~
24 **mines** by a **type 2** transfer. THE GEOLOGICAL SURVEY AND THE OFFICE OF
25 THE STATE GEOLOGIST EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS
26 UNDER THE COLORADO SCHOOL OF MINES AS **TYPE 2** ENTITIES, AS DEFINED
27 IN SECTION 24-1-105. <*Dept of Higher Ed: Should this make clear that*

1 *the school of mines is in the department of higher education?*>

2 SECTION 19. In Colorado Revised Statutes, 24-1-115, amend
3 (2), (3), (4), (8), (9), (10), (11), (12), (13), (14), (15), and (16) as follows:

4 <{*Department of Ed: Should the education innovation*
5 *board--22-54.5-311 (7)(a)--be incorporated into this AOA section?*
6 *Although it's only effective on proclamation of the governor, its organic*
7 *statute does have transfer language.*>

8 24-1-115. Department of education - creation. (2) The state
9 board of education, created by part 1 of article 2 of title 22, C.R.S., and
10 its powers, duties, and functions are IS transferred by a **type 1** transfer to
11 the department of education AND EXERCISES ITS POWERS, DUTIES, AND
12 FUNCTIONS, SUBJECT TO THE STATE CONSTITUTION, AS A **TYPE 1** ENTITY,
13 AS DEFINED IN SECTION 24-1-105. <{*Dept of Ed: The members of the*
14 *state board of education are elected. Is it ok to make this change*
15 *regarding powers, duties, and functions?*>

16 (3) The state department of education and the office of the
17 commissioner of education, created by part 1 of article 2 of title 22,
18 C.R.S., and their powers, duties, and functions are transferred by a **type**
19 **2** transfer to the department of education, subject to the state constitution.
20 THE OFFICE OF THE COMMISSIONER EXERCISES ITS POWERS, DUTIES, AND
21 FUNCTIONS UNDER THE DEPARTMENT OF EDUCATION AND THE STATE
22 BOARD OF EDUCATION AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
23 24-1-105.

24 (4) The department of education ~~shall include~~ INCLUDES the state
25 library, the ex officio head of which ~~shall be~~ IS the commissioner of
26 education. The state library, created by article 90 of this title ~~and its~~
27 ~~powers, duties, and functions are~~ TITLE 24, IS transferred by a **type 2**

1 transfer to the department of education as a division thereof AND
2 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT
3 OF EDUCATION AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

4 (8) The Colorado school for the deaf and the blind, as provided
5 for in article 80 of title 22, ~~C.R.S., and its powers, duties, and functions~~
6 ~~are~~ IS transferred by a **type 1** transfer to the department of education. THE
7 BOARD OF TRUSTEES OF THE COLORADO SCHOOL FOR THE DEAF AND THE
8 BLIND, CREATED IN SECTION 22-80-103, IS TRANSFERRED BY A **TYPE 1**
9 TRANSFER TO THE DEPARTMENT OF EDUCATION. THE COLORADO SCHOOL
10 FOR THE DEAF AND THE BLIND AND ITS BOARD OF TRUSTEES EXERCISE
11 THEIR POWERS, DUTIES, AND FUNCTIONS, SUBJECT TO THE STATE
12 CONSTITUTION, AS **TYPE 1** ENTITIES, AS DEFINED IN SECTION 24-1-105.

13 (9) ~~The department of education shall include~~ The state charter
14 school institute established in section 22-30.5-503 ~~C.R.S., and its powers,~~
15 ~~duties, and functions, as if the institute were~~ IS transferred by a **type 1**
16 transfer to the department of education AND EXERCISES ITS POWERS,
17 DUTIES, AND FUNCTIONS, SUBJECT TO THE STATE CONSTITUTION, AS A
18 **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

19 <{*Dept of Ed: The state constitution governs many aspects and units of*
20 *the department of education. Anything that is a type 1 entity must also*
21 *comply with the state constitution, so that is why the language says*
22 *"subject to the state constitution". Anything that is a type 2 entity can*
23 *be said to act "under the state board", but type 1 entities probably*
24 *should not. Please check these carefully--I've highlighted them in the*
25 *bill.*>

26 (10) ~~The department of education shall include~~ The division of
27 online learning established in section 22-30.7-103 ~~C.R.S., and its powers,~~

1 ~~duties, and functions, as if the division were~~ IS transferred by a **type 2**
2 transfer to the department of education AND EXERCISES ITS POWERS,
3 DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF EDUCATION AS A
4 **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

5 (11) (a) ~~The department of education shall include~~ The division
6 of public school capital construction assistance established in section
7 22-43.7-105 C.R.S., ~~and its powers, duties, and functions, as if the~~
8 ~~division were~~ IS transferred by a **type 2** transfer to the department of
9 education AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER
10 THE DEPARTMENT OF EDUCATION AS A **TYPE 2** ENTITY, AS DEFINED IN
11 SECTION 24-1-105.

12 (b) ~~The department of education shall include~~ The public school
13 capital construction assistance board established in section 22-43.7-106
14 C.R.S., ~~and its powers, duties, and functions, as if the board were~~ IS
15 transferred by a **type 1** transfer to the department of education AND
16 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS, SUBJECT TO THE STATE
17 CONSTITUTION, AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

18 (12) ~~The department of education shall include~~ The facility
19 schools unit established in section 22-2-403 C.R.S., ~~and its powers,~~
20 ~~duties, and functions, as if the unit were~~ IS transferred by a **type 2** transfer
21 to the department of education AND EXERCISES ITS POWERS, DUTIES, AND
22 FUNCTIONS UNDER THE DEPARTMENT OF EDUCATION AS A **TYPE 2** ENTITY,
23 AS DEFINED IN SECTION 24-1-105.

24 (13) ~~The department of education shall include~~ The facility
25 schools board established in section 22-2-404 C.R.S., ~~and its powers,~~
26 ~~duties, and functions, as if the board were~~ IS transferred by a **type 1**
27 transfer to the department of education AND EXERCISES ITS POWERS,

1 DUTIES, AND FUNCTIONS, SUBJECT TO THE STATE CONSTITUTION, AS A
2 **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

3 (14) ~~The department of education shall include~~ The Colorado state
4 advisory council for parent involvement in education created in section
5 22-7-303 C.R.S., and its powers, duties, and functions, as if the council
6 ~~were~~ IS transferred by a **type 2** transfer to the department of education
7 AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE
8 DEPARTMENT OF EDUCATION AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
9 24-1-105.

10 (15) ~~The department of education shall include~~ The office of
11 dropout prevention and student re-engagement established in section
12 22-14-103 C.R.S., and its powers, duties, and functions, as if the office
13 ~~were~~ IS transferred by a **type 2** transfer to the department of education
14 AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE
15 DEPARTMENT OF EDUCATION AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
16 24-1-105.

17 (16) ~~The department of education shall include~~ The concurrent
18 enrollment advisory board created in section 22-35-107 C.R.S., and its
19 powers, duties, and functions, as if the board ~~were~~ IS transferred by a **type**
20 **2** transfer to the department of education AND EXERCISES ITS POWERS,
21 DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF EDUCATION AS A
22 **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

23 **SECTION 20.** In Colorado Revised Statutes, 22-2-106, **amend**
24 (1) introductory portion as follows:

25 **22-2-106. State board - duties - rules.** (1) THE STATE BOARD
26 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS SPECIFIED BY LAW, AND
27 SUBJECT TO THE STATE CONSTITUTION, AS A **TYPE 1** ENTITY, AS DEFINED

1 IN SECTION 24-1-105. It is the duty of the state board:

2 **SECTION 21.** In Colorado Revised Statutes, 22-2-110, **amend**
3 (2) as follows:

4 **22-2-110. Commissioner of education - oath - qualifications -**
5 **tenure.** (2) The commissioner ~~shall be~~ IS appointed by the state board,
6 ~~serve~~ SERVES at the pleasure of the board, and ~~receive~~ RECEIVES such
7 compensation as may be determined by the board. THE COMMISSIONER
8 EXERCISES HIS OR HER POWERS, DUTIES, AND FUNCTIONS UNDER THE
9 STATE BOARD OF EDUCATION AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
10 24-1-105.

11 **SECTION 22.** In Colorado Revised Statutes, 22-2-403, **amend**
12 (2) as follows:

13 **22-2-403. Facility schools unit - created.** (2) The facility
14 schools unit and the office of the director of facility schools ~~shall~~ exercise
15 their powers, ~~and perform their~~ duties, and functions **under the**
16 **department, the commissioner of education, and the state board of**
17 **education** as if the same were transferred to the department by a **type 2**
18 transfer as defined in the "~~Administrative Organization Act of 1968~~",
19 ~~article 1 of title 24, C.R.S.~~ ENTITIES, AS DEFINED IN SECTION 24-1-105.

20 **SECTION 23.** In Colorado Revised Statutes, 22-2-404, **amend**
21 (1) as follows:

22 **22-2-404. Facility schools board - created - membership.**
23 (1) There is ~~hereby~~ created the facility schools board to adopt curriculum
24 standards and set graduation requirements for facility schools and to
25 collaborate with and advise the unit. The facility schools board ~~shall~~
26 ~~consist~~ CONSISTS of seven members appointed by the state board as
27 provided in this section. The state board shall appoint the initial members

1 of the facility schools board on or before November 1, 2008. The facility
2 schools board ~~shall exercise~~ EXERCISES its powers, ~~and perform its~~ duties,
3 and functions, SUBJECT TO THE STATE CONSTITUTION, as ~~if the same were~~
4 ~~transferred to the department by a type 1 transfer as defined in the~~
5 ~~"Administrative Organization Act of 1968", article 1 of title 24, C.R.S.~~
6 ENTITY, AS DEFINED IN SECTION 24-1-105.

7 **SECTION 24.** In Colorado Revised Statutes, 22-7-303, **amend**
8 (1) as follows:

9 **22-7-303. Colorado state advisory council for parent**
10 **involvement in education - created - membership.** (1) There is hereby
11 created ~~within~~ IN the department of education the Colorado state advisory
12 council for parent involvement in education. The council ~~shall consist~~
13 CONSISTS of members appointed as provided in this section and ~~shall have~~
14 HAS the powers and duties specified in this part 3. The council ~~shall~~
15 ~~exercise~~ EXERCISES its powers, ~~and perform its~~ duties, and functions
16 **under the department, the commissioner of education, and the state board**
17 **of education** as ~~if the same were transferred to the department by a type~~
18 **2 transfer as defined in the "Administrative Organization Act of 1968",**
19 ~~article 1 of title 24, C.R.S.~~ ENTITY, AS DEFINED IN SECTION 24-1-105.

20 **SECTION 25.** In Colorado Revised Statutes, 22-14-103, **amend**
21 (1)(b) as follows:

22 **22-14-103. Office of dropout prevention and student**
23 **re-engagement - created - purpose - duties.** (1) (b) The office of
24 dropout prevention and student re-engagement and the director of the
25 office ~~shall exercise their powers, and perform their~~ duties, and functions
26 **under the department of education, the commissioner of education, and**
27 **the state board of education** as ~~if the same were transferred to the~~

1 ~~department of education by a type 2 transfer as defined in the~~
2 ~~"Administrative Organization Act of 1968", article 1 of title 24, C.R.S.~~
3 ENTITIES, AS DEFINED IN SECTION 24-1-105.

4 **SECTION 26.** In Colorado Revised Statutes, 22-30.5-503,
5 **amend** (1)(a) as follows:

6 **22-30.5-503. State charter school institute - establishment -**
7 **rules.** (1) (a) There is established, as an independent agency in the
8 department of education, the state charter school institute. The institute
9 ~~shall exercise~~ EXERCISES its powers, ~~and perform its~~ duties, and functions,
10 SUBJECT TO THE STATE CONSTITUTION, as ~~if it were transferred to the~~
11 ~~department by a type 1 transfer under the provisions of the~~
12 ~~"Administrative Organization Act of 1968", article 1 of title 24, C.R.S.~~
13 ENTITY, AS DEFINED IN SECTION 24-1-105.

14 **SECTION 27.** In Colorado Revised Statutes, 22-30.7-103,
15 **amend** (1)(b) as follows:

16 **22-30.7-103. Division of online learning - created - duties.**
17 (1) **Creation.** (b) The division of online learning and the office of the
18 director ~~shall~~ exercise their powers, ~~and perform their~~ duties, and
19 functions **under the department, the commissioner of education, and the**
20 **state board of education** as if the same were transferred to the department
21 ~~by a type 2 transfer, as such transfer is defined in the "Administrative~~
22 ~~Organization Act of 1968", article 1 of title 24, C.R.S.~~ ENTITIES, AS
23 DEFINED IN SECTION 24-1-105.

24 **SECTION 28.** In Colorado Revised Statutes, 22-35-107, **amend**
25 (1) as follows:

26 **22-35-107. Concurrent enrollment advisory board - created -**
27 **membership - duties - reports - repeal.** (1) There is hereby created

1 ~~within~~ IN the department the concurrent enrollment advisory board. The
2 board ~~shall consist~~ CONSISTS of members appointed as provided in this
3 section and ~~shall have~~ HAS the powers and duties specified in this section.
4 The board ~~shall exercise~~ EXERCISES its powers, ~~and perform its~~ duties,
5 and functions ~~under the department, the commissioner of education, and~~
6 ~~the state board~~ as if the same were transferred to the department by a ~~type~~
7 ~~2~~ transfer as defined in the "~~Administrative Organization Act of 1968~~",
8 ~~article 1 of title 24, C.R.S.~~ ENTITY, AS DEFINED IN SECTION 24-1-105.

9 **SECTION 29.** In Colorado Revised Statutes, 22-43.7-105,
10 **amend** (1)(b) as follows:

11 **22-43.7-105. Division of public school capital construction**
12 **assistance - creation - director - function - powers and duties.**

13 (1) (b) The division and the director of the division ~~shall~~ exercise their
14 powers, ~~and perform their~~ duties, and functions ~~under the department,~~
15 ~~THE COMMISSIONER OF EDUCATION, AND THE STATE BOARD~~ as if the same
16 were transferred to the department by a ~~type 2~~ transfer, as such transfer
17 is defined in the "~~Administrative Organization Act of 1968~~", article 1 of
18 ~~title 24, C.R.S.~~ ENTITIES, AS DEFINED IN SECTION 24-1-105.

19 **SECTION 30.** In Colorado Revised Statutes, 22-43.7-106,
20 **amend** (1)(a) introductory portion as follows:

21 **22-43.7-106. Public school capital construction assistance**
22 **board - creation - general powers and duties - rules.** (1) (a) There is
23 ~~hereby~~ created ~~within~~ IN the department the public school capital
24 construction assistance board, which ~~shall exercise~~ EXERCISES its powers,
25 ~~and perform its~~ duties, and functions under the department as if the same
26 were transferred to the department by a ~~type 1~~ transfer, as such transfer
27 is defined in the "~~Administrative Organization Act of 1968~~", article 1 of

1 ~~title 24, C.R.S.~~ ENTITY, AS DEFINED IN SECTION 24-1-105. The board ~~shall~~
2 ~~consist~~ CONSISTS of nine appointed members, none of whom shall hold
3 any state elective office. Five voting members of the board ~~shall~~
4 constitute a quorum. Board members ~~shall be~~ ARE appointed as follows:

5 **SECTION 31.** In Colorado Revised Statutes, 22-80-103, **amend**
6 (1)(a) as follows:

7 **22-80-103. Board of trustees - appointments - powers - duties**
8 **- fund created.** (1) (a) There is ~~hereby~~ created by a **type 1** transfer in the
9 department of education a board of trustees for the Colorado school for
10 the deaf and the blind. THE BOARD OF TRUSTEES EXERCISES ITS POWERS,
11 DUTIES, AND FUNCTIONS, SUBJECT TO THE STATE CONSTITUTION, AS A
12 **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. The board of trustees
13 ~~shall consist~~ CONSISTS of seven members who are residents of Colorado,
14 appointed by the governor with the consent of the senate. Of these seven
15 members, at least one appointee ~~shall~~ MUST be a blind person and at least
16 one appointee ~~shall~~ MUST be a deaf person. Beginning with the first
17 appointment made on or after August 5, 2009, the governor shall ensure
18 that, of the seven members of the board of trustees, at least one appointee
19 is the parent of a child who is deaf or blind or both.

20 **SECTION 32.** In Colorado Revised Statutes, 24-90-104, **amend**
21 (1) as follows:

22 **24-90-104. State library created - administration.** (1) The state
23 library is ~~hereby~~ created as a division of the department of education, and
24 its operation is declared to be an essential administrative function of the
25 state government. THE STATE LIBRARY EXERCISES ITS POWERS, DUTIES,
26 AND FUNCTIONS **UNDER THE DEPARTMENT OF EDUCATION, THE**
27 **COMMISSIONER OF EDUCATION, AND THE STATE BOARD OF EDUCATION** AS

1 A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

2 **SECTION 33.** In Colorado Revised Statutes, 24-1-117, **amend**
 3 (2), (3), (4)(a) introductory portion, (4)(a)(IV), (4)(a)(V), (4)(a)(VI),
 4 (4)(a)(VII), and (4)(a)(X); and **repeal** (4)(c)(I) as follows: <{*Dept. of*
 5 *Revenue: Should the marijuana state licensing authority be added to*
 6 *the AOA? It 's created in 12-43.3-201 (1)*>

7 **24-1-117. Department of revenue - creation.** (2) The
 8 department of revenue and the ~~office of~~ EXECUTIVE director of revenue,
 9 created by article 35 of this ~~title, and their powers, duties, and functions~~
 10 TITLE 24, are transferred by a **type 2** transfer to the department of
 11 revenue. THE EXECUTIVE DIRECTOR OF REVENUE EXERCISES HIS OR HER
 12 POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF REVENUE
 13 AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

14 (3) The powers, duties, and functions of the secretary of state with
 15 respect to fermented malt beverages and malt, vinous, and spirituous
 16 liquors ~~under~~ PURSUANT TO the provisions of articles 46 to 48 of title 12
 17 ~~C.R.S.~~, are transferred by a **type 2** transfer to the department of revenue
 18 AND ALLOCATED TO THE LIQUOR ENFORCEMENT DIVISION, WHICH IS
 19 CREATED IN SUBSECTION (4)(a) OF THIS SECTION.

20 (4) (a) The department of revenue ~~shall consist~~ CONSISTS of the
 21 following divisions:

22 (IV) THE liquor enforcement division. THE LIQUOR ENFORCEMENT
 23 DIVISION EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE
 24 DEPARTMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

25 <{*Dept of Revenue: In the 1968 reorganization, the duties related to*
 26 *fermented malt beverages and liquor were transferred in 24-1-117 (3)*
 27 *from the secretary of state to the new department of revenue by a type*

1 2 transfer and a list of divisions by name only was created in this
2 subsection (4). There is not a lot of detail for the liquor enforcement
3 division in the organic statutes and in fact it is referred to as the "state
4 licensing authority".>}

5 (V) THE state lottery division, CREATED IN SECTION 24-35-202,
6 AND THE COLORADO LOTTERY COMMISSION, CREATED IN SECTION
7 24-35-207, WHICH ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE
8 DEPARTMENT OF REVENUE AND EXERCISE THEIR POWERS, DUTIES, AND
9 FUNCTIONS UNDER THE DEPARTMENT OF REVENUE AS **TYPE 2** ENTITIES, AS
10 DEFINED IN SECTION 24-1-105.

11 (VI) THE division of racing events, ~~including~~ CREATED IN SECTION
12 12-60-201 (1), AND the Colorado racing commission, CREATED IN
13 SECTION 12-60-301 (1), WHICH ARE TRANSFERRED BY A **TYPE 2** TRANSFER
14 TO THE DEPARTMENT OF REVENUE AND EXERCISE THEIR POWERS, DUTIES,
15 AND FUNCTIONS UNDER THE DEPARTMENT OF REVENUE AS **TYPE 2**
16 ENTITIES, AS DEFINED IN SECTION 24-1-105.

17 (VII) THE division of gaming, ~~including~~ CREATED IN SECTION
18 12-47.1-201, AND the Colorado limited gaming control commission,
19 CREATED IN SECTION 12-47.1-301, WHICH ARE TRANSFERRED BY A **TYPE**
20 **2** TRANSFER TO THE DEPARTMENT OF REVENUE AND EXERCISE THEIR
21 POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF REVENUE
22 AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105.

23 (X) The auto industry division, created in section 12-6-105, ~~the~~
24 ~~division shall exercise~~ WHICH IS TRANSFERRED BY A **TYPE 2** TRANSFER TO
25 THE DEPARTMENT OF REVENUE AND EXERCISES its powers, ~~and perform~~
26 ~~its duties, and functions under the department of revenue as if the division~~
27 ~~were transferred to the department by a type 2 transfer~~ ENTITY, as

1 ~~described~~ DEFINED in section 24-1-105.

2 (c) (I) ~~Whenever any law of this state or any rule promulgated~~
3 ~~under the laws of this state refers to the division of enforcement of the~~
4 ~~department of revenue, such law or rule shall be deemed to refer to the~~
5 ~~department of revenue.~~ <{*Dept of Revenue: This can be repealed since*
6 *there are no longer references to division of enforcement in the*
7 *C.R.S.*>

8 SECTION 34. In Colorado Revised Statutes, 12-6-105, **amend**
9 (1) as follows:

10 **12-6-105. Auto industry division - creation - powers and duties**
11 **of executive director and director.** (1) There is hereby created in the
12 department of revenue the auto industry division, the head of which is the
13 director of the division. The director is appointed by the executive
14 director of the department and serves at the pleasure of the executive
15 director. The division ~~shall exercise~~ EXERCISES its powers, and perform
16 its duties, and functions under the department as if the division were
17 transferred to the department by a **type 2 transfer** ENTITY as described
18 DEFINED in section 24-1-105.

19 SECTION 35. In Colorado Revised Statutes, **amend** 12-47.1-201
20 as follows:

21 **12-47.1-201. Division of gaming - creation.** There is hereby
22 created ~~within~~ IN the department of revenue the division of gaming, the
23 head of which ~~shall be~~ IS the director of the division of gaming. The
24 director ~~shall be~~ IS appointed by, and ~~shall be subject to removal~~ MAY BE
25 REMOVED by, the executive director of the department of revenue. The
26 division of gaming, the Colorado limited gaming control commission
27 created in section 12-47.1-301, and the director of the division of gaming

1 shall exercise their respective powers, and perform their respective duties,
2 and functions as specified in this ~~article~~ ARTICLE 47.1 under the
3 department of revenue as ~~if the same were transferred to the department~~
4 ~~by a type 2 transfer, as such transfer is defined in the "Administrative~~
5 ~~Organization Act of 1968", article 1 of title 24, C.R.S. ENTITIES, AS~~
6 ~~DEFINED IN SECTION 24-1-105; except that the commission shall have HAS~~
7 ~~full and exclusive authority to promulgate rules and regulations related to~~
8 ~~limited gaming without any approval by, or delegation of authority from,~~
9 ~~the department.~~ <{*Dept of Revenue: This is an exception to the normal*
10 *type 2 powers - does this need to be mentioned in 24-1-117?*}>

11 **SECTION 36.** In Colorado Revised Statutes, 12-60-201, **amend**
12 (1) as follows:

13 **12-60-201. Division of racing events - creation -**
14 **representation.** (1) There is ~~hereby~~ created ~~within~~ IN the department of
15 revenue the division of racing events, the head of which ~~shall be~~ IS the
16 director of the division of racing events. The director ~~shall be~~ IS appointed
17 by, and ~~shall be subject to removal~~ MAY BE REMOVED by, the executive
18 director of the department of revenue. The division of racing events, the
19 Colorado racing commission created in section 12-60-301, and the
20 director of the division of racing events ~~shall~~ exercise their respective
21 powers, and ~~perform their respective~~ duties, and functions as specified in
22 this ~~article~~ ARTICLE 60 under the department of revenue as ~~if the same~~
23 ~~were transferred to the department by a type 2 transfer, as such transfer~~
24 ~~is defined in the "Administrative Organization Act of 1968", article 1 of~~
25 ~~title 24, C.R.S. ENTITIES, AS DEFINED IN SECTION 24-1-105; except that the~~
26 ~~commission shall have HAS full and exclusive authority to promulgate~~
27 ~~rules related to racing without any approval by, or delegation of authority~~

1 from, the department of revenue. <{*Dept of Revenue: This is an*
2 *exception to the normal type 2 powers - does this need to be mentioned*
3 *in 24-1-117?*}>

4 SECTION 37. In Colorado Revised Statutes, 24-35-202, amend
5 (2) as follows:

6 24-35-202. State lottery division - creation - location -
7 enterprise status. (2) The state lottery division, including the Colorado
8 lottery commission created in section 24-35-207, and the director of the
9 state lottery division shall exercise their powers, and perform their duties,
10 and functions specified in this part 2 under the department of revenue as
11 if the same were transferred to the department by a type 2 transfer, as
12 such transfer is defined in the "Administrative Organization Act of 1968",
13 article 1 of this title ENTITIES, AS DEFINED IN SECTION 24-1-105; except
14 that the commission shall have HAS full and exclusive authority to
15 promulgate rules related to the lottery without any approval by, or
16 delegation of authority from, the department. <{*Dept of Revenue: This*
17 *is an exception to the normal type 2 powers - does this need to be*
18 *mentioned in 24-1-117?*}>

19 SECTION 38. In Colorado Revised Statutes, 24-35-208, amend
20 (1) introductory portion and (1)(a) as follows:

21 24-35-208. Commission - powers and duties - rules. (1) In
22 addition to any other powers and duties set forth in this part 2, the
23 commission shall have HAS the following powers and duties:

24 (a) To promulgate rules governing the establishment and
25 operation of the lottery as it deems necessary to carry out the purposes of
26 this part 2. The director shall prepare and submit to the commission
27 written recommendations concerning proposed rules for this purpose. THE

1 COMMISSION EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE
2 DEPARTMENT OF REVENUE AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
3 24-1-105; **EXCEPT THAT THE COMMISSION HAS FULL AND EXCLUSIVE**
4 **AUTHORITY TO PROMULGATE RULES RELATED TO THE LOTTERY WITHOUT**
5 **ANY APPROVAL BY, OR DELEGATION OF AUTHORITY FROM, THE**
6 **DEPARTMENT.** <{*Department of Revenue: Should the shaded language*
7 *be added? This is an exception to the normal type 2 powers. Does this*
8 *need to be mentioned in 24-1-117?*}>

9 **SECTION 39.** In Colorado Revised Statutes, 24-1-119, **amend**
10 (2), (3), (4), (5) introductory portion, (5)(a), (5)(c), (6) introductory
11 portion, (6)(a), (6)(b), (6)(d), (7)(a), (7)(c), (8), (11), and (12); and **add**
12 (13) and (14) as follows:

13 **24-1-119. Department of public health and environment -**
14 **creation.** (2) The state board of health, created by part 1 of article 1 of
15 title 25, C.R.S., and its powers, duties, and functions are IS transferred by
16 a **type 1** transfer to the department of public health and environment as
17 ~~the state board of health~~ AND EXERCISES ITS POWERS, DUTIES, AND
18 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

19 (3) The ~~state water quality control commission~~, created by part 2
20 of article 8 of title 25, C.R.S., and its powers, duties, and functions are IS
21 transferred by a **type 1** transfer to the department of public health and
22 environment as ~~the state water quality control commission~~ AND
23 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS
24 DEFINED IN SECTION 24-1-105. Anything in this ~~article~~ ARTICLE 1 to the
25 contrary notwithstanding, the state board of health ~~shall have~~ HAS no
26 powers, duties, or functions with respect to water pollution control.
27 <{*CDPHE: The name in section 25-8-201 (1)(a) does not include*

1 "state."}>

2 (4) Except for the state board of health, the state department of
3 public health and the office of the executive director thereof, created by
4 part 1 of article 1 of title 25, C.R.S., and their powers, duties, and
5 functions are transferred by a **type 2** transfer to the department of public
6 health and environment. AFTER THE TRANSFER, THE NAME OF THE
7 DEPARTMENT IS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

8 <{CDPHE: How should this be handled - The department was
9 renamed. See section 25-1-101. And the executive director is discussed
10 in section 25-1-119 (1).}>

11 (5) The department of public health and environment ~~shall consist~~
12 CONSISTS of the following divisions:

13 (a) THE division of administration. The division of administration,
14 created by part 1 of article 1 of title 25, C.R.S., except for the office of the
15 executive director of the FORMER state department of public health, and
16 ~~its powers, duties, and functions are~~ IS transferred by a **type 2** transfer to
17 the department of public health and environment as the division of
18 administration AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS
19 UNDER THE DEPARTMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
20 24-1-105.

21 (c) The prevention services division, created in article 20.5 of title
22 25. C.R.S. THE PREVENTION SERVICES DIVISION IS TRANSFERRED BY A
23 **TYPE 2** TRANSFER TO THE DEPARTMENT OF PUBLIC HEALTH AND
24 ENVIRONMENT AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS
25 UNDER THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AS A
26 **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

27 (6) The division of administration ~~shall include~~ INCLUDES the

1 following:

2 (a) The office of state chemist, created by part 4 of article 1 of
3 title 25. ~~C.R.S. Said THE office and its powers, duties, and functions are~~
4 IS transferred by a **type 2** transfer to the department of public health and
5 environment, ~~and~~ IS allocated to the division of administration as a
6 section thereof, AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS
7 UNDER THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AS A
8 **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

9 (b) The office of state registrar of vital statistics, created by article
10 2 of title 25. ~~C.R.S. Said THE office and its powers, duties, and functions~~
11 ~~are~~ IS transferred by a **type 2** transfer to the department of public health
12 and environment, ~~and~~ IS allocated to the division of administration as a
13 section thereof, AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS
14 UNDER THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AS A
15 **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

16 (d) The ~~plant~~ WATER AND WASTEWATER FACILITY operators
17 certification board, created by ~~article 9 of title 25, C.R.S.~~ IN SECTION
18 25-9-103. THE BOARD IS TRANSFERRED BY A **TYPE 1** TRANSFER TO THE
19 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND EXERCISES ITS
20 POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN
21 SECTION 24-1-105. <{In HB 00-1431, the name of the board was
22 changed to water and wastewater facility operators certification board
23 - this aligns the name; see 2000 Sess Laws, Ch. 185, p. 767.}>

24 (7) (a) The air quality control commission, created by part 1 of
25 article 7 of title 25, ~~C.R.S., shall exercise its powers and perform its~~
26 ~~duties and functions as if the same were~~ IS transferred by a **type 1** transfer
27 to the department of public health and environment AND EXERCISES ITS

1 POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN
2 SECTION 24-1-105. Anything in this ~~article~~ ARTICLE 1 to the contrary
3 notwithstanding, the state board of health ~~shall have~~ HAS no powers,
4 duties, or functions with respect to air pollution other than as provided in
5 section 25-7-111 (1). ~~C.R.S.~~

6 (c) The office of technical secretary, created by part 1 of article 7
7 of title 25, ~~C.R.S.~~, ~~shall exercise its powers and perform its duties and~~
8 ~~functions as if the same were~~ IS transferred by a **type 1** transfer to the
9 department of public health and environment, ~~and~~ IS allocated to the air
10 quality control commission, AND EXERCISES ITS POWERS, DUTIES, AND
11 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

12 <{*CDPHE: In the organic statute, this position is referred to as the*
13 *"technical secretary". Is it ok here to say the office of technical*
14 *secretary?*>

15 (8) The solid and hazardous waste commission, created in part 3
16 of article 15 of title 25, ~~C.R.S.~~, ~~shall exercise its powers and perform its~~
17 ~~duties and functions as if the same were~~ IS transferred by a **type 1** transfer
18 to the department of public health and environment AND EXERCISES ITS
19 POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN
20 SECTION 24-1-105.

21 (11) The office of health equity, created by section 25-4-2204,
22 ~~C.R.S.~~, ~~shall exercise its powers and perform its duties and functions as~~
23 ~~if the same were~~ IS transferred by a **type 2** transfer to the department of
24 public health and environment AND EXERCISES ITS POWERS, DUTIES, AND
25 FUNCTIONS UNDER THE DEPARTMENT OF PUBLIC HEALTH AND
26 ENVIRONMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

27 (12) The primary care office, created by part 4 of article 1.5 of

1 title 25, ~~C.R.S., shall exercise its powers and perform its duties and~~
2 ~~functions as if it were~~ IS transferred by a **type 2** transfer to the department
3 of public health and environment AND EXERCISES ITS POWERS, DUTIES,
4 AND FUNCTIONS UNDER THE DEPARTMENT OF PUBLIC HEALTH AND
5 ENVIRONMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

6 (13) THE CORONERS STANDARDS AND TRAINING BOARD, CREATED
7 BY SECTION 30-10-601.6, IS TRANSFERRED BY A **TYPE 2** TRANSFER TO THE
8 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND EXERCISES ITS
9 POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF PUBLIC
10 HEALTH AND ENVIRONMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
11 24-1-105.

12 (14) THE EMERGENCY MEDICAL PRACTICE ADVISORY COUNCIL,
13 CREATED BY SECTION 25-3.5-206, IS TRANSFERRED BY A **TYPE 2** TRANSFER
14 TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND
15 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT
16 OF PUBLIC HEALTH AND ENVIRONMENT AS A **TYPE 2** ENTITY, AS DEFINED
17 IN SECTION 24-1-105.

18 **SECTION 40.** In Colorado Revised Statutes, 25-1-102, **amend**
19 (2) introductory portion and (2)(a) as follows:

20 **25-1-102. Department created - executive director - divisions.**

21 (2) The department ~~shall consist~~ CONSISTS of the following divisions:

22 (a) The division of administration, and such sections and units
23 established as provided by law. THE DIVISION EXERCISES ITS POWERS,
24 DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT AS A **TYPE 2** ENTITY, AS
25 DEFINED IN SECTION 24-1-105.

26 **SECTION 41.** In Colorado Revised Statutes, 25-1-103, **add** (1.5)
27 as follows:

1 **25-1-103. State board of health created.** (1.5) THE STATE
2 BOARD OF HEALTH EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A
3 **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

4 **SECTION 42.** In Colorado Revised Statutes, **amend** 25-1-401 as
5 follows:

6 **25-1-401. Office of state chemist created.** The professor of food
7 and drug chemistry in the department of chemistry at the university of
8 Colorado ~~shall be~~ IS the state chemist of Colorado. The office and
9 laboratory of the state chemist ~~shall be~~ IS in the department of chemistry
10 at the university of Colorado. The office of state chemist ~~shall be~~ IS a
11 section of the division of administration of the department of public
12 health and environment. THE OFFICE OF STATE CHEMIST EXERCISES ITS
13 POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF PUBLIC
14 HEALTH AND ENVIRONMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
15 24-1-105.

16 **SECTION 43.** In Colorado Revised Statutes, 25-2-103, **amend**
17 (1) as follows:

18 **25-2-103. Centralized registration system for all vital statistics**
19 **- appointment of registrar - rules.** (1) In order to provide for the
20 maintenance of a centralized registry of the vital statistics of this state, the
21 office of state registrar of vital statistics, referred to in this ~~article~~ ARTICLE
22 2 as the "state registrar", is ~~hereby~~ created in the department of public
23 health and environment AND ALLOCATED TO THE DIVISION OF
24 ADMINISTRATION AS A SECTION OF THE DIVISION. The state registrar ~~shall~~
25 ~~be~~ IS appointed by the state board of health and ~~shall have~~ HAS such staff
26 and clerical help as IS reasonably ~~may be~~ required in the performance of
27 the state registrar's duties. The state registrar and the staff and clerical

1 help of the state registrar ~~shall be~~ ARE subject to the state constitution and
2 state personnel system laws. THE OFFICE OF THE STATE REGISTRAR
3 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT
4 OF PUBLIC HEALTH AND ENVIRONMENT AS A **TYPE 2** ENTITY, AS DEFINED
5 IN SECTION 24-1-105.

6 **SECTION 44.** In Colorado Revised Statutes, 25-1.5-403, **amend**
7 (2) as follows:

8 **25-1.5-403. Primary care office - creation.** (2) The primary care
9 office and the director of the office ~~shall~~ exercise their powers, ~~and~~
10 ~~perform their~~ duties, and functions specified in this part 4 under the
11 department as ~~if the same were transferred to the department by a type 2~~
12 ~~transfer, as such transfer is defined in the "Administrative Organization~~
13 ~~Act of 1968", article 1 of title 24, C.R.S.~~ ENTITIES, AS DEFINED IN SECTION
14 24-1-105.

15 **SECTION 45.** In Colorado Revised Statutes, 25-3.5-706, **amend**
16 (1) as follows:

17 **25-3.5-206. Emergency medical practice advisory council -**
18 **creation - powers and duties - emergency medical service provider**
19 **scope of practice - rules.** (1) There is ~~hereby~~ created within the
20 department, ~~as a type 2 entity~~ under the direction of the executive director
21 of the department, the emergency medical practice advisory council,
22 referred to in this part 2 as the "advisory council". The advisory council
23 is responsible for advising the department regarding the appropriate scope
24 of practice for emergency medical service providers certified under
25 section 25-3.5-203. THE ADVISORY COUNCIL EXERCISES ITS POWERS,
26 DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT AS A **TYPE 2** ENTITY, AS
27 DEFINED IN SECTION 24-1-105.

1 **SECTION 46.** In Colorado Revised Statutes, 25-4-2204, **amend**
2 (2) as follows:

3 **25-4-2204. Office of health equity - creation.** (2) The office and
4 the director of the office ~~shall exercise their powers, and perform their~~
5 duties, and functions specified in this part 22 under the department as if
6 ~~the same were transferred to the department by a type 2 transfer, as such~~
7 ~~transfer is defined in the "Administrative Organization Act of 1968",~~
8 ~~article 1 of title 24, C.R.S.~~ ENTITIES, AS DEFINED IN SECTION 24-1-105.

9 **SECTION 47.** In Colorado Revised Statutes, 25-7-104, **amend**
10 (1) as follows:

11 **25-7-104. Air quality control commission created.** (1) There is
12 ~~hereby~~ created in the department of public health and environment the air
13 quality control commission, which ~~shall consist~~ CONSISTS of nine citizens
14 of this state ~~who shall be~~ appointed by the governor with the consent of
15 the senate. THE AIR QUALITY CONTROL COMMISSION EXERCISES ITS
16 POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN
17 SECTION 24-1-105.

18 **SECTION 48.** In Colorado Revised Statutes, 25-7-105, **amend**
19 (3) as follows:

20 **25-7-105. Duties of commission - rules.** (3) The commission
21 shall employ a technical secretary and shall delegate to ~~such~~ THE secretary
22 ~~such~~ THE duties and responsibilities as it may deem necessary; except that
23 no authority shall be delegated to ~~such~~ THE secretary to adopt,
24 promulgate, amend, or repeal standards or ~~regulations~~ RULES, or to make
25 determinations, or to issue or countermand orders of the commission.
26 ~~Such~~ THE secretary ~~shall~~ MUST have appropriate practical, educational,
27 and administrative experience related to air pollution control and ~~shall~~

1 MUST be employed pursuant to the state personnel system laws. THE
2 **OFFICE OF TECHNICAL SECRETARY** IS ALLOCATED TO THE AIR QUALITY
3 CONTROL COMMISSION AND EXERCISES ITS POWERS, DUTIES, AND
4 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.
5 <{*CDPHE: Section 24-1-119 (7)(c) says "office of technical secretary"*
6 *- I did a search and the only place the term "office of technical*
7 *secretary" is used is in section 24-1-119 (7)(c). Does this matter?*>

8 **SECTION 49.** In Colorado Revised Statutes, 25-8-201, **amend**
9 (1)(a) as follows:

10 **25-8-201. Water quality control commission created.**

11 (1) (a) There is hereby created in the department of public health and
12 environment a water quality control commission, which shall exercise
13 EXERCISES its powers, and perform its duties, and functions as if it were
14 transferred to said department by a **type 1 transfer** ENTITY, AS DEFINED IN
15 SECTION 24-1-105. The commission shall consist CONSISTS of nine
16 citizens of the state who shall be appointed by the governor, with the
17 consent of the senate, for terms of three years each; except that, of the
18 members appointed to take office in 1984, one shall be IS appointed for
19 a one-year term, one shall be IS appointed for a two-year term, and three
20 shall be ARE appointed for three-year terms. Members of the commission
21 shall MUST be appointed so as to achieve geographical representation and
22 to reflect the various interests in water in the state. At least two members
23 shall MUST reside in that portion of the state which is west of the
24 continental divide.

25 **SECTION 50.** In Colorado Revised Statutes, 25-9-104, **amend**
26 (8) as follows:

27 **25-9-104. Water and wastewater facility operators**

1 **certification board - duties of board - rules.** (8) The board may
2 ~~exercise~~ EXERCISES its powers, ~~and perform its duties,~~ and functions as
3 ~~if it were transferred to the department by a type 1 transfer under the~~
4 ~~"Administrative Organization Act of 1968", article 1 of title 24, C.R.S.~~
5 ENTITY, AS DEFINED IN SECTION 24-1-105.

6 **SECTION 51.** In Colorado Revised Statutes, 25-15-302, **amend**
7 (1)(a) as follows:

8 **25-15-302. Solid and hazardous waste commission - creation**
9 **- membership - rules - fees - administration.** (1) (a) There is hereby
10 created in the department of public health and environment a solid and
11 hazardous waste commission, referred to in this part 3 as the
12 "commission", which ~~shall exercise~~ EXERCISES its powers, ~~and perform~~
13 ~~its duties,~~ and functions as ~~if it were transferred to said department by a~~
14 **type 1 transfer** ENTITY, AS DEFINED IN SECTION 24-1-105. The commission
15 ~~shall consist~~ CONSISTS of nine citizens of the state ~~who shall be~~ appointed
16 by the governor, with the consent of the senate, for terms of three years
17 each; except that, of the members appointed to take office initially, three
18 ~~shall be~~ ARE appointed for one-year terms, three ~~shall be~~ ARE appointed
19 for two-year terms, and three ~~shall be~~ ARE appointed for three-year terms.
20 Members of the commission ~~shall~~ MUST be appointed so as to achieve
21 geographical representation and to reflect the various interests in waste
22 management in the state.

23 **SECTION 52.** In Colorado Revised Statutes, 25-20.5-103,
24 **amend** (2) as follows:

25 **25-20.5-103. Prevention services division - creation.** (2) The
26 division ~~shall exercise~~ EXERCISES its powers, ~~and perform its duties,~~ and
27 functions specified in this ~~article~~ ARTICLE 20.5 under the department of

1 public health and environment as if it were transferred to the department
2 by a **type 2** transfer as such transfer is defined in the "~~Administrative~~
3 ~~Organization Act of 1968~~", article 1 of title 24, C.R.S. ENTITY, AS
4 DEFINED IN SECTION 24-1-105.

5 **SECTION 53.** In Colorado Revised Statutes, 30-10-601.6,
6 **amend** (2) as follows:

7 **30-10-601.6. Coroners standards and training board.** (2) The
8 C.C.S.T. board ~~shall exercise~~ EXERCISES its powers, ~~and perform its~~
9 duties, and functions under the department of public health and
10 environment as if transferred to the department by a **type 2** transfer, as
11 such transfer is defined in the "~~Administrative Organization Act of 1968~~",
12 article 1 of title 24, C.R.S. ENTITY, AS DEFINED IN SECTION 24-1-105.

13 **SECTION 54.** In Colorado Revised Statutes, 24-1-119.5, **amend**
14 (2), (4), (4.5), (5), (8), and (9) as follows:

15 **24-1-119.5. Department of health care policy and financing -**
16 **creation.** (2) The powers, duties, and functions relating to the "Colorado
17 Medical Assistance Act", as specified in articles 4, 5, and 6 of title 25.5,
18 ~~C.R.S.~~, are transferred by a **type 2** transfer to the department of health
19 care policy and financing. <{*This is a "transfer of functions" only*}>

20 (4) The powers, duties, and functions relating to the "Colorado
21 Indigent Care Program", as specified in part 1 of article 3 of title 25.5,
22 ~~C.R.S.~~, are transferred by a **type 2** transfer to the department of health
23 care policy and financing. <{*This is a "transfer of functions" only*}>

24 (4.5) The powers, duties, and functions relating to the old age
25 pension health and medical care program, as specified in section
26 25.5-2-101, ~~C.R.S.~~, are transferred by a **type 2** transfer to the department
27 of health care policy and financing. <{*This is a "transfer of functions"*}>

1 only>

2 (5) The medical services board, created in part 3 of article 1 of
3 title 25.5, ~~C.R.S., and its powers, duties, and functions are~~ IS transferred
4 by a **type 1** transfer to the department of health care policy and financing
5 AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY,
6 AS DEFINED IN SECTION 24-1-105.

7 (8) The powers, duties, and functions relating to programs,
8 services, and supports for persons with intellectual and developmental
9 disabilities, as specified in article 10 of title 25.5, ~~C.R.S.~~, are transferred
10 by a **type 2** transfer to the department of health care policy and financing
11 AND ALLOCATED TO THE DIVISION OF INTELLECTUAL AND
12 DEVELOPMENTAL DISABILITIES, CREATED IN SECTION 25.5-10-203 (2),
13 WHICH DIVISION IS PART OF THE OFFICE OF COMMUNITY LIVING, CREATED
14 IN SECTION 25.5-10-101. **THE OFFICE OF COMMUNITY LIVING AND THE**
15 **DIVISION OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES EXERCISE**
16 **THEIR POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF**
17 **HEALTH CARE POLICY AND FINANCING AS TYPE 2 ENTITIES, AS DEFINED IN**
18 **SECTION 24-1-105.**

19 (9) The Colorado healthcare affordability and sustainability
20 enterprise created in section 25.5-4-402.4 (3) ~~shall exercise its powers and~~
21 ~~perform its duties and functions as if the same were~~ IS transferred by a
22 **type 2** transfer ~~as defined in section 24-1-105~~, to the department of health
23 care policy and financing AND EXERCISES ITS POWERS, DUTIES, AND
24 FUNCTIONS UNDER THE DEPARTMENT OF HEALTH CARE POLICY AND
25 FINANCING AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

26 **SECTION 55.** In Colorado Revised Statutes, 25.5-1-301, **amend**
27 (1) as follows:

1 **25.5-1-301. Medical services board - creation.** (1) (a) There is
2 hereby created in the state department a medical services board, referred
3 to in this part 3 as the "board", which ~~shall consist~~ EXERCISES ITS POWERS,
4 DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION
5 24-1-105.

6 (b) THE BOARD CONSISTS of eleven members appointed by the
7 governor with the consent of the senate. The governor shall appoint
8 persons to the board who have knowledge of medical assistance
9 programs, and one or more of the appointments may include a person or
10 persons who have received services through programs administered by
11 the department within two years of the date of appointment. No more than
12 six members of the board ~~shall~~ CAN be members of the same political
13 party. Of the eleven members appointed to the board, at least one ~~shall~~
14 MUST be appointed from each congressional district. In making
15 appointments to the board, the governor shall include representation by
16 at least one member who is a person with a disability, as defined in
17 section 24-45.5-102 (2), ~~C.R.S.~~, a family member of a person with a
18 disability, or a member of an advocacy group for persons with disabilities,
19 provided that the other requirements of this subsection (1) are met.

20 **SECTION 56.** In Colorado Revised Statutes, 25.5-4-402.4,
21 **amend** (3)(e) and (7)(a)(II) as follows:

22 **25.5-4-402.4. Hospitals - healthcare affordability and**
23 **sustainability fee - legislative declaration - Colorado healthcare**
24 **affordability and sustainability enterprise - federal waiver - fund**
25 **created - rules.** (3) (e) The enterprise ~~shall exercise~~ EXERCISES its
26 powers and ~~perform~~ PERFORMS its duties UNDER THE STATE DEPARTMENT
27 as if the same were transferred to the state department by a **type 2 transfer**

1 ENTITY, as defined in section 24-1-105.

2 (7) **Colorado healthcare affordability and sustainability**
3 **enterprise board.** (a) (II) The initial members of the enterprise board are
4 the members of the hospital provider fee oversight and advisory board
5 that was created and existed pursuant to section 25.5-4-402.3 (6), prior to
6 July 1, 2017, and such members shall serve on and after July 1, 2017, for
7 the remainder of the terms for which they were appointed as members of
8 the advisory board. The powers, duties, and functions of the hospital
9 provider fee oversight and advisory board are transferred by a **type 3**
10 transfer, as defined in section 24-1-105, to the enterprise, and the hospital
11 provider fee oversight and advisory board is abolished. <{*HCPF: Does*
12 *this need any amendment?*>

13 **SECTION 57.** In Colorado Revised Statutes, 25.5-10-101,
14 **amend** (1) and (2)(a) as follows:

15 **25.5-10-101. Office of community living - creation - transfer**
16 **of duties and functions - rules - legislative declaration.** (1) There is
17 ~~hereby~~ created in the state department the office of community living,
18 referred to in this ~~article~~ ARTICLE 10 as the "office". THE OFFICE
19 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE STATE
20 DEPARTMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105. The
21 head of the office is the director of community living appointed by the
22 executive director in accordance with section 13 of article XII of the state
23 constitution. The director of community living reports directly to the
24 executive director.

25 (2) (a) On and after March 1, 2014, the powers, duties, and
26 functions relating to the programs, services, and supports contained in this
27 ~~article~~ ARTICLE 10 are transferred from the department of human services

1 to the department of health care policy and financing by a **type 2** transfer
2 ~~as such transfer is defined in the "Administrative Organization Act of~~
3 ~~1968", article 1 of title 24, C.R.S.~~ AS DEFINED IN SECTION 24-1-105, and
4 allocated to the division of intellectual and developmental disabilities of
5 the office, which division is created in part 2 of this ~~article~~ ARTICLE 10.

6 **SECTION 58.** In Colorado Revised Statutes, 25.5-10-203,
7 **amend** (2) as follows:

8 **25.5-10-203. Division of intellectual and developmental**
9 **disabilities - creation - functions - reporting - legislative declaration.**

10 (2) There is ~~hereby~~ created within the office the division of intellectual
11 and developmental disabilities. THE DIVISION EXERCISES ITS POWERS,
12 DUTIES, AND FUNCTIONS UNDER THE STATE DEPARTMENT AS A **TYPE 2**
13 ENTITY, AS DEFINED IN SECTION 24-1-105.

14 **SECTION 59.** In Colorado Revised Statutes, 24-1-120, **amend**
15 (3), (4) introductory portion, (4)(a), (5) introductory portion, (5)(a),
16 (5)(b), (5)(c), (5)(e), (5)(f), (5)(g), (5)(h), (5)(k), (6) introductory portion,
17 (6)(c), (6)(d), (6)(e), (8), (9), (10), and (11); and **repeal** (5)(d), (5)(i), and
18 (5)(m) as follows:

19 **24-1-120. Department of human services - creation.** (3) The
20 state board of social services, created by article 1 of title 26, ~~C.R.S., and~~
21 ~~its powers, duties, and functions are~~ IS transferred by a **type 1** transfer to
22 the department of human services **AND RENAMED** as the state board of
23 human services. THE STATE BOARD OF HUMAN SERVICES EXERCISES ITS
24 POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN
25 SECTION 24-1-105.

26 (4) Unless otherwise transferred to the department of health care
27 policy and financing or the department of public health and environment,

1 the department of human services ~~shall exercise~~ EXERCISES the following
2 powers, ~~and perform the following~~ duties, AND FUNCTIONS:

3 (a) THE powers, duties, and **functions** relating to public assistance
4 and welfare, which are transferred by a **type 2** transfer to the department
5 of human services; <{***This is a "transfer of functions" only***}>

6 (5) The department of human services ~~shall include~~ INCLUDES the
7 following:

8 (a) The Colorado commission on the aging and the office of the
9 director, ~~thereof. Said office and director and their powers, duties, and~~
10 **functions** CREATED PURSUANT TO SECTION 26-11-101, WHICH are
11 transferred by a **type 2** transfer to the department of human services AND
12 EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS UNDER THE
13 DEPARTMENT OF HUMAN SERVICES AS **TYPE 2** ENTITIES, AS DEFINED IN
14 SECTION 24-1-105.

15 (b) The Colorado veterans community living center at Homelake,
16 CREATED PURSUANT TO SECTION **26-12-203**, which is transferred by a
17 **type 2** transfer to the department of human services AND EXERCISES ITS
18 POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF HUMAN
19 SERVICES AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

20 (c) The Colorado veterans community living centers, created by
21 part 2 of article 12 of title 26, ~~C.R.S.~~, which are transferred by a **type 2**
22 transfer to the department of human services AND EXERCISE THEIR
23 POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF HUMAN
24 SERVICES AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105.

25 (d) ~~The merit system council, created by article 1 of title 26,~~
26 ~~C.R.S. Said council and its powers, duties, and functions are transferred~~
27 ~~by a **type 2** transfer to the department of human services. <{***DHS: This***}~~

1 *paragraph should be repealed because the merit system council no*
2 *longer exists; the merit system selection of county employees was*
3 *phased out in 2001 and under section 26-1-120, each county runs its*
4 *own merit system council.*>

5 (e) The powers, duties, and functions regarding the state
6 information agency under the "Uniform Interstate Family Support Act",
7 created by article 5 of title 14, C.R.S. ~~Said powers, duties, and functions~~
8 WHICH are transferred by a **type 2** transfer to the department of human
9 services; <{*This is a "transfer of functions" only - was it allocated*
10 *under UIFSA to child support enforcement division?*>

11 (f) The state office on aging, created by part 2 of article 11 of title
12 26, C.R.S. ~~Said state office and its powers, duties, and functions are~~
13 WHICH IS transferred by a **type 2** transfer to the department of human
14 services AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE
15 DEPARTMENT OF HUMAN SERVICES AS A **TYPE 2** ENTITY, AS DEFINED IN
16 SECTION 24-1-105.

17 (g) The adoption intermediary commission, created by part 3 of
18 article 5 of title 19, C.R.S. ~~Said commission and its powers, duties, and~~
19 ~~functions are~~ WHICH IS transferred by a **type 1** transfer to the department
20 of human services AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS
21 AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

22 (h) The Colorado commission for the deaf and hard of hearing,
23 created by article 21 of title 26, C.R.S. ~~Said commission shall exercise its~~
24 ~~powers, duties, and functions under the department as if~~ WHICH IS
25 transferred by a **type 2** transfer TO THE DEPARTMENT OF HUMAN SERVICES
26 AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE
27 DEPARTMENT OF HUMAN SERVICES AS A **TYPE 2** ENTITY, AS DEFINED IN

1 SECTION 24-1-105.

2 (i) ~~The office of homeless youth services, created by article 5.9 of~~
3 ~~title 26, C.R.S. Said office and its powers, duties, and functions are~~
4 ~~transferred by a type 2 transfer to the department of human services.~~
5 <{DHS: Article 5.9 of title 26 was repealed in 2011 in HB 11-1230. The
6 office of homeless youth services was repealed and relocated to section
7 24-32-723 and moved to the department of local affairs. However, the
8 type 2 status of the office of homeless youth services was not stated in
9 the organic statutes for DHS in article 5.9, so the type 2 designation of
10 this office does not appear in section 24-32-723 (3), nor does it appear
11 in section 24-1-125 as being part of DOLA. This illustrates the danger
12 of not specifying the type in the organic statute. Question for DOLA:
13 Should a type 2 designation for the office of homeless youth be added
14 to the AOA in section 24-1-125? See section 158 of bill where we have
15 done this.}>

16 (k) The board of commissioners of veterans community living
17 centers, created in section 26-12-402, ~~C.R.S. Said board and its powers,~~
18 ~~duties, and functions are~~ WHICH IS transferred by a **type 2** transfer to the
19 department of human services AND EXERCISES ITS POWERS, DUTIES, AND
20 FUNCTIONS UNDER THE DEPARTMENT OF HUMAN SERVICES AS A **TYPE 2**
21 ENTITY, AS DEFINED IN SECTION 24-1-105.

22 (m) ~~The early childhood leadership commission created by article~~
23 ~~6.2 of title 26, C.R.S. <{~~There is no type assigned to the commission in
24 this section or in the organic statute , section 2-3-1203 (6) (a) (IV); it
25 was probably mistakenly added to this section. The commission is
26 subject to a sunset review as an advisory commission and will be
27 reviewed in 2018. I recommend that this listing in this subsection (1)(m)

1 ~~*be deleted.*~~>

2 (6) The department consists of the following divisions, units, and
3 offices, AND BOARDS:

4 (c) The juvenile parole board, created pursuant to section
5 19-2-206. The juvenile parole board ~~and its powers, duties, and functions~~
6 ~~are~~ IS transferred by a **type 1** transfer to the department of human services
7 ~~as a division thereof~~ AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS
8 AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

9 (d) The office of behavioral health in the department of human
10 services, created pursuant to article 80 of title 27. The office of behavioral
11 health, ~~and its powers, duties, and functions~~, including the powers, duties,
12 and functions relating to the alcohol and drug driving safety program
13 specified in section 42-4-1301.3, ~~are~~ IS transferred by a **type 2** transfer to
14 the department of human services, AND EXERCISES ITS POWERS, DUTIES,
15 AND FUNCTIONS UNDER THE DEPARTMENT OF HUMAN SERVICES AS A **TYPE**
16 **2** ENTITY, AS DEFINED IN SECTION 24-1-105.

17 (e) The division of youth services, created pursuant to section
18 19-2-203. The division of youth services and the office of the director of
19 the division of youth services ~~and their powers, duties, and functions~~ are
20 transferred by a **type 2** transfer to the department of human services ~~as a~~
21 ~~division thereof~~ AND EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS
22 UNDER THE DEPARTMENT OF HUMAN SERVICES AS A **TYPE 2** ENTITY, AS
23 DEFINED IN SECTION 24-1-105.

24 (8) The ~~state council on~~ COLORADO developmental disabilities
25 COUNCIL, created by part 2 of article 10.5 of title 27, ~~C.R.S., and its~~
26 ~~powers, duties, and functions are~~ IS transferred by a **type 1** transfer to the
27 department of human services AND EXERCISES ITS POWERS, DUTIES, AND

1 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

2 (9) ~~The powers, duties, and functions of~~ The Colorado traumatic
3 brain injury trust fund board, created in section 26-1-302, ~~C.R.S., are~~ IS
4 transferred by a **type 2** transfer to the department of human services AND
5 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT
6 OF HUMAN SERVICES AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
7 24-1-105.

8 (10) ~~The powers, duties, and functions of~~ The Colorado children's
9 trust fund board, created in section 19-3.5-104, ~~C.R.S., are~~ IS transferred
10 by a **type 2** transfer to the department of human services AND EXERCISES
11 ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF HUMAN
12 SERVICES AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

13 (11) ~~The powers, duties, and functions of~~ The Tony Grampsas
14 youth services board, created in section 26-6.8-103, ~~C.R.S., are~~ IS
15 transferred by a **type 2** transfer to the department of human services AND
16 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT
17 OF HUMAN SERVICES AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
18 24-1-105.

19 **SECTION 60.** In Colorado Revised Statutes, 19-2-203, **amend**
20 (1)(a) as follows:

21 **19-2-203. Division of youth services - created - interagency**
22 **agreements - duties of administrators concerning voter registration**
23 **and casting of ballots - reports - pilot program - fund created -**
24 **repeal.** (1) (a) There is ~~hereby~~ created ~~within~~ IN the department of human
25 services the division of youth services, referred to within this section as
26 the "division", the head of which is the director of the division. The
27 executive director of the department of human services shall appoint the

1 director of the division pursuant to section 13 of article XII of the state
2 constitution and the laws and rules governing the state personnel system.
3 The director ~~shall exercise~~ EXERCISES HIS OR HER powers, ~~and perform~~
4 duties, and functions within the office of the executive director of the
5 department of human services in accordance with the provisions of this
6 article 2 and as ~~if transferred thereto by a type 2 transfer as such transfer~~
7 ~~is defined in the "Administrative Organization Act of 1968", article 1 of~~
8 ~~title 24~~ ENTITY, AS DEFINED IN SECTION 24-1-105.

9 **SECTION 61.** In Colorado Revised Statutes, 19-2-206, **amend**
10 (1) as follows:

11 **19-2-206. Juvenile parole board - creation - membership.**

12 (1) There is ~~hereby~~ created a juvenile parole board, referred to in this
13 section and section 19-2-207 as the "board", to consist of nine members
14 appointed by the governor and confirmed by the senate. Any vacancy that
15 occurs when the general assembly is not in session may be filled by the
16 governor, and ~~such~~ THE member ~~shall serve~~ SERVES temporarily until
17 confirmed at the next regular session of the general assembly. THE BOARD
18 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS
19 DEFINED IN SECTION 24-1-105.

20 **SECTION 62.** In Colorado Revised Statutes, 19-3.5-104, **amend**
21 (1)(b); and **repeal** (1)(a) as follows:

22 **19-3.5-104. Colorado children's trust fund board - creation -**
23 **members.** (1) (a) ~~There is hereby created, in the department of public~~
24 ~~health and environment, the Colorado children's trust fund board. The~~
25 ~~board shall exercise its powers and duties as if transferred by a type 2~~
26 ~~transfer. <{DHS: In 2013, this board was transferred from DPHE to~~
27 ~~DHS in (1)(b), but (1)(a) was not correctly amended or repealed.}>~~

1 (b) The Colorado children's trust fund board, ORIGINALLY
2 CREATED IN THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, is
3 transferred BY A **TYPE 2** TRANSFER to the department of human services.
4 The board ~~shall exercise~~ EXERCISES its powers, ~~and~~ duties, AND
5 FUNCTIONS UNDER THE DEPARTMENT OF HUMAN SERVICES as ~~if transferred~~
6 **by a type 2 transfer** ENTITY, AS DEFINED IN SECTION 24-1-105. Persons
7 appointed to the Colorado children's trust fund board ~~shall~~ continue
8 serving until completion of their terms and may be reappointed as
9 provided in this section.

10 **SECTION 63.** In Colorado Revised Statutes, 19-5-303, **amend**
11 (1) introductory portion as follows:

12 **19-5-303. Commission created - duties.** (1) There is hereby
13 created in the department the adoption intermediary commission, referred
14 to in this section as the "commission", ~~that shall consist~~ WHICH CONSISTS
15 of thirteen members. The commission ~~shall exercise~~ EXERCISES its
16 powers, ~~and perform the~~ duties, and functions specified by this part 3 as
17 ~~if the same were transferred to the department by a type 1 transfer, as~~
18 ~~such transfer is defined in article 1 of title 24, C.R.S.~~ ENTITY, AS DEFINED
19 IN SECTION 24-1-105. Representation and appointment of ~~such~~ members
20 ~~shall be~~ IS as follows:

21 **SECTION 64.** In Colorado Revised Statutes, **repeal** 26-1-105.5
22 as follows: <{***DHS: Can all or part of this section be repealed? Former***
23 ***department of social services and former department of institutions and***
24 ***ADAD were abolished with type 3 transfers and new DHS and new***
25 ***HCPF were created.***>

26 **26-1-105.5. Transfer of functions - employees - property -**
27 **records.** (1) (a) ~~The department shall, on and after July 1, 1994, execute,~~

1 ~~administer, perform, and enforce the rights, powers, duties, functions, and~~
2 ~~obligations vested prior to July 1, 1994, in the department of social~~
3 ~~services, the department of institutions, and the department of health~~
4 ~~concerning the administration of substance use disorder treatment~~
5 ~~programs.~~

6 (b) ~~On and after July 1, 2006, the provisions of this section shall~~
7 ~~not apply to the functions, employees, and property transferred under the~~
8 ~~provisions of sections 24-1-119.5, C.R.S., and 25.5-1-105, C.R.S.,~~
9 ~~concerning the "Colorado Medical Assistance Act", the Colorado indigent~~
10 ~~care program, and the treatment program for high-risk pregnant women.~~

11 (2) (a) ~~On and after July 1, 1994, all positions of employment in~~
12 ~~the department of health, the department of social services, and the~~
13 ~~department of institutions concerning the powers, duties, and functions~~
14 ~~transferred to the department of human services pursuant to this article~~
15 ~~and determined to be necessary to carry out the purposes of this article by~~
16 ~~the executive director of the department of human services shall be~~
17 ~~transferred to the department of human services and shall become~~
18 ~~employment positions therein. The executive director shall appoint such~~
19 ~~employees as are necessary to carry out the duties and exercise the powers~~
20 ~~conferred by law upon the state department and the executive director. On~~
21 ~~and after July 1, 1994, any appointment of employees and any creation or~~
22 ~~elimination of positions of employment shall be consistent with the plan~~
23 ~~for restructuring health and human services as set forth in article 1.7 of~~
24 ~~title 24, C.R.S. Appointing authority may be delegated by the executive~~
25 ~~director as appropriate.~~

26 (b) ~~On and after July 1, 1994, all employees of the department of~~
27 ~~health, the department of social services, and the department of~~

1 ~~institutions whose duties and functions concerned the powers, duties, and~~
2 ~~functions transferred to the department of human services pursuant to this~~
3 ~~article, regardless of whether the position of employment in which the~~
4 ~~employee served was transferred, shall be considered employees of the~~
5 ~~department of human services for purposes of section 24-50-124, C.R.S.~~
6 ~~Such employees shall retain all rights under the state personnel system~~
7 ~~and to retirement benefits pursuant to the laws of this state, and their~~
8 ~~services shall be deemed continuous.~~

9 ~~(3) On July 1, 1994, all items of property, real and personal,~~
10 ~~including office furniture and fixtures, books, documents, and records of~~
11 ~~the departments of health, social services, and institutions pertaining to~~
12 ~~the duties and functions transferred to the department of human services~~
13 ~~are transferred to the department of human services and shall become the~~
14 ~~property thereof.~~

15 ~~(4) On and after July 1, 1994, whenever the department of health,~~
16 ~~social services, or institutions is referred to or designated by any contract~~
17 ~~or other document in connection with the duties and functions transferred~~
18 ~~to the department of human services, such reference or designation shall~~
19 ~~be deemed to apply to the department of human services. All contracts~~
20 ~~entered into by the said departments prior to July 1, 1994, in connection~~
21 ~~with the duties and functions transferred to the department of human~~
22 ~~services are hereby validated, with the department of human services~~
23 ~~succeeding to all rights and obligations under such contracts. Any cash~~
24 ~~funds, custodial funds, trusts, grants, and any appropriations of funds~~
25 ~~from prior fiscal years open to satisfy obligations incurred under such~~
26 ~~contracts shall be transferred and appropriated to the department of~~
27 ~~human services for the payment of such obligations.~~

1 ~~(5) On and after July 1, 1994, unless otherwise specified,~~
2 ~~whenever any provision of law refers to the department of health, social~~
3 ~~services, or institutions, in connection with the duties and functions~~
4 ~~transferred to the department of human services, said law shall be~~
5 ~~construed as referring to the department of human services.~~

6 ~~(6) All rules, regulations, and orders of the departments of health,~~
7 ~~social services, and institutions adopted prior to July 1, 1994, in~~
8 ~~connection with the powers, duties, and functions transferred to the~~
9 ~~department of human services, shall continue to be effective until revised,~~
10 ~~amended, repealed, or nullified pursuant to law. The executive director~~
11 ~~shall adopt rules necessary for the administration of the state department~~
12 ~~and as otherwise authorized by this title. Any rules adopted on and after~~
13 ~~July 1, 1994, shall be consistent with the plan for restructuring health and~~
14 ~~human services, as set forth in article 1.7 of title 24, C.R.S.~~

15 ~~(7) No suit, action, or other proceeding, judicial or administrative,~~
16 ~~lawfully commenced prior to July 1, 1994, or which could have been~~
17 ~~commenced prior to such date, by or against the department of health,~~
18 ~~social services, or institutions, or any officer thereof in such officer's~~
19 ~~official capacity or in relation to the discharge of the official's duties,~~
20 ~~shall abate by reason of the transfer of duties and functions from the said~~
21 ~~department to the department of human services.~~

22 ~~(8) The revisor of statutes is hereby authorized to change all~~
23 ~~references in the Colorado Revised Statutes to the department of social~~
24 ~~services and the department of institutions from said references to the~~
25 ~~department of human services, as appropriate and unless otherwise~~
26 ~~transferred to the department of health care policy and financing pursuant~~
27 ~~to section 25.5-1-105, C.R.S. In connection with such authority, the~~

1 ~~revisor of statutes is hereby authorized to amend or delete provisions of~~
2 ~~the Colorado Revised Statutes so as to make the statutes consistent with~~
3 ~~the powers, duties, and functions transferred pursuant to this section.~~

4 **SECTION 65.** In Colorado Revised Statutes, 26-1-107, **amend**
5 (1)(a) as follows:

6 **26-1-107. State board of human services - rules.** (1) (a) There
7 is ~~hereby~~ created IN THE STATE DEPARTMENT the state board of human
8 services. THE STATE BOARD EXERCISES ITS POWERS, DUTIES, AND
9 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. The
10 state board ~~shall consist~~ CONSISTS of nine members ~~each of whom shall~~
11 ~~be~~ appointed by the governor, with the consent of the senate, for terms A
12 TERM of four years. ~~each.~~ In making appointments to the board, the
13 governor shall include representation by at least one member who is a
14 person with a disability, as defined in section 24-45.5-102 (2), ~~C.R.S.~~, a
15 family member of a person with a disability, or a member of an advocacy
16 group for persons with disabilities.

17 **SECTION 66.** In Colorado Revised Statutes, 26-1-302, **amend**
18 (1) as follows:

19 **26-1-302. Colorado traumatic brain injury trust fund board**
20 **- creation - powers and duties.** (1) There is ~~hereby~~ created the Colorado
21 traumatic brain injury trust fund board ~~within~~ IN the state department. ~~of~~
22 ~~human services.~~ The board ~~shall exercise~~ EXERCISES its powers, and
23 duties, AND FUNCTIONS UNDER THE STATE DEPARTMENT as ~~if transferred~~
24 ~~by a type 2 transfer~~ ENTITY, AS DEFINED IN SECTION 24-1-105.

25 **SECTION 67.** In Colorado Revised Statutes, 26-6.8-103, **add**
26 (1.5) as follows:

27 **26-6.8-103. Tony Grampas youth services board - members**

1 - **duties.** (1.5) THE BOARD EXERCISES ITS POWERS, DUTIES, AND
2 FUNCTIONS UNDER THE STATE DEPARTMENT AS A **TYPE 2** ENTITY, AS
3 DEFINED IN SECTION 24-1-105.

4 **SECTION 68.** In Colorado Revised Statutes, 26-11-101, **amend**
5 (1) as follows:

6 **26-11-101. Commission on the aging created.** (1) There is
7 ~~hereby~~ created in the state department the Colorado commission on the
8 aging, referred to in this ~~article~~ ARTICLE 11 as the "commission", which
9 ~~shall consist~~ CONSISTS of seventeen members appointed by the governor,
10 with the consent of the senate. THE COMMISSION EXERCISES ITS POWERS,
11 DUTIES, AND FUNCTIONS UNDER THE STATE DEPARTMENT AS A **TYPE 2**
12 ENTITY, AS DEFINED IN SECTION 24-1-105. Two members ~~shall~~ MUST be
13 appointed from each congressional district of the state, one of whom ~~shall~~
14 MUST be from each major political party, and, after July 1, 1976, and
15 thereafter when a vacancy occurs, one of ~~such~~ THE members ~~shall~~ MUST
16 be from west of the continental divide. A vacancy on the commission
17 occurs whenever any member moves out of the congressional district
18 from which he or she was appointed. Any member who moves out of
19 ~~such~~ THE congressional district shall promptly notify the governor of the
20 date of such move, but ~~such~~ notice is not a condition precedent to the
21 occurrence of the vacancy. The governor shall fill the vacancy as
22 provided in subsection (2) of this section. Appointments made to take
23 effect on January 1, 1983, ~~shall~~ MUST be made in accordance with section
24 24-1-135. ~~C.R.S.~~ No more than nine members of the commission ~~shall~~
25 CAN be members of the same major political party. One member ~~shall~~
26 MUST be appointed from the state at large, one member ~~shall~~ MUST be
27 appointed from among the membership of the senate, and one member

1 ~~shall~~ MUST be appointed from among the membership of the house of
2 representatives. Appointments to the commission ~~shall~~ MUST comply with
3 the requirements of the rules and regulations of the United States
4 department of health and human services promulgated pursuant to Public
5 Law 93-29, known as the "Older Americans Comprehensive Services
6 Amendments of 1973", as such rules and regulations appear in section
7 903.50 (c) of title 45 of the code of federal regulations. In making
8 appointments to the commission, the governor is encouraged to include
9 representation by at least one member who is a person with a disability,
10 a family member of a person with a disability, or a member of an
11 advocacy group for persons with disabilities, provided that the other
12 requirements of this subsection (1) are met.

13 **SECTION 69.** In Colorado Revised Statutes, **amend** 26-11-202
14 as follows:

15 **26-11-202. State office on aging.** The executive director shall
16 create ~~within~~ IN the state department a state office on aging, the head of
17 which ~~shall be~~ IS the director of the state office, who ~~shall be~~ IS appointed
18 by the executive director. The state office and the director of the state
19 office ~~shall~~ exercise their powers, ~~and perform their~~ duties, and functions
20 under the state department as ~~if the same were transferred to the state~~
21 ~~department by a type 2 transfer, as such transfer is defined in the~~
22 ~~"Administrative Organization Act of 1968", article 1 of title 24, C.R.S.~~
23 ENTITIES, AS DEFINED IN SECTION 24-1-105.

24 **SECTION 70.** In Colorado Revised Statutes, 26-12-201, **amend**
25 (2)(a) as follows:

26 **26-12-201. Veterans community living centers authorized.**
27 (2) (a) Subject to available appropriations, there is ~~hereby~~ authorized the

1 establishment and construction of veterans centers for veterans of service
2 in the armed forces of the United States and their spouses, surviving
3 spouses, or dependent parents. Each ~~such~~ veterans center ~~shall be~~ IS
4 known as a Colorado veterans community living center, collectively
5 referred to in this ~~article~~ ARTICLE 12 as "veterans centers". THE VETERANS
6 CENTERS EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS UNDER THE
7 STATE DEPARTMENT AS **TYPE 2** ENTITIES, AS DEFINED BY SECTION
8 24-1-105.

9 **SECTION 71.** In Colorado Revised Statutes, 26-12-203, **amend**
10 (1)(a) as follows:

11 **26-12-203. The Colorado veterans community living center at**
12 **Homelake - jurisdiction - definitions.** (1) (a) The Colorado veterans
13 community living center at Homelake, consisting of a veterans center, a
14 domiciliary care unit, and the Homelake military veterans cemetery,
15 referred to in this part 2 as the "veterans center", ~~as transferred to the state~~
16 ~~department by the "Administrative Organization Act of 1968"~~, is hereby
17 declared to be a veterans center for veterans of service in the armed forces
18 of the United States and their spouses, surviving spouses, and dependent
19 parents. THE VETERANS CENTER EXERCISES ITS POWERS, DUTIES, AND
20 FUNCTIONS UNDER THE STATE DEPARTMENT AS A **TYPE 2** ENTITY, AS
21 DEFINED IN SECTION 24-1-105.

22 **SECTION 72.** In Colorado Revised Statutes, 26-12-402, **amend**
23 (1) as follows:

24 **26-12-402. Board of commissioners of veterans community**
25 **living centers - creation - powers and duties.** (1) There is hereby
26 created the board of commissioners of veterans community living centers
27 ~~within~~ IN the state department. The board of commissioners ~~shall exercise~~

1 EXERCISES its powers, duties, and functions under the state department as
2 if it were transferred to the state department by a **type 2** transfer under the
3 provisions of the "~~Administrative Organization Act of 1968~~", article 1 of
4 title ~~24~~, C.R.S. ENTITY, AS DEFINED IN SECTION 24-1-105.

5 **SECTION 73.** In Colorado Revised Statutes, 26-21-104, **amend**
6 (1) as follows:

7 **26-21-104. Commission created - appointments.** (1) Effective
8 July 1, 2000, there is ~~hereby~~ created the Colorado commission for the
9 deaf and hard of hearing in the STATE department. ~~of human services.~~ The
10 Colorado commission for the deaf and hard of hearing ~~shall exercise~~
11 EXERCISES its powers, duties, and functions under the STATE department
12 ~~of human services~~ as if it were transferred to said department by a **type**
13 **2** transfer under the provisions of the "~~Administrative Organization Act~~
14 ~~of 1968~~" ENTITY, AS DEFINED IN SECTION 24-1-105.

15 **SECTION 74.** In Colorado Revised Statutes, 27-10.5-203,
16 **amend** (1) as follows:

17 **27-10.5-203. Establishment of state council.** (1) There is ~~hereby~~
18 created ~~within~~ IN the office of the executive director ~~of the department of~~
19 ~~human services~~, the Colorado developmental disabilities council. The
20 STATE COUNCIL EXERCISES ITS powers, duties, and functions ~~of the state~~
21 ~~council are transferred by~~ AS a **type 1** transfer, as such transfer is defined
22 by the "~~Administrative Organization Act of 1968~~", article 1 of title 24,
23 C.R.S., to the ~~department of human services~~ ENTITY, AS DEFINED IN
24 SECTION 24-1-105. The state council ~~shall operate~~ OPERATES in
25 accordance with the federal "Developmental Disabilities Assistance and
26 Bill of Rights Act of 2000", 42 U.S.C. sec. 15001 et seq.

27 **SECTION 75.** In Colorado Revised Statutes, 27-80-102, **amend**

1 (1) introductory portion as follows:

2 **27-80-102. Duties of the office of behavioral health.** (1) The
3 office of behavioral health EXERCISES ITS POWERS, DUTIES, AND
4 FUNCTIONS, INCLUDING THE POWERS, DUTIES, AND FUNCTIONS RELATING
5 TO THE ALCOHOL AND DRUG DRIVING SAFETY PROGRAM SPECIFIED IN
6 SECTION 42-4-1301.3, AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
7 24-1-105. THE OFFICE OF BEHAVIORAL HEALTH shall formulate a
8 comprehensive state plan for substance use disorder treatment programs.
9 The office of behavioral health shall submit the state plan to the governor
10 and, upon his or her approval, submit it to the appropriate United States
11 agency for review and approval. The state plan must include, but not be
12 limited to:

13 **SECTION 76.** In Colorado Revised Statutes, 24-1-121, **amend**
14 (1.5), (3)(a)(I), (3)(b), (3)(d)(I), (3)(e), (3)(f), (3)(g), (3)(h), (3)(i), (4)
15 introductory portion, (4)(b), and (5); and **add** (6) and (7) as follows:

16 **24-1-121. Department of labor and employment - creation.**
17 (1.5) The department of labor and employment ~~shall include~~ INCLUDES,
18 as part of the office of the executive director, the industrial claim appeals
19 office, created by section 8-1-102. ~~C.R.S. Said~~ THE industrial claim
20 appeals office ~~shall exercise its powers and perform its duties and~~
21 ~~functions under the department as if~~ IS transferred ~~thereto~~ by a **type 2**
22 transfer TO THE DEPARTMENT OF LABOR AND EMPLOYMENT AND
23 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT
24 AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

25 (3) The department of labor and employment consists of the
26 following divisions and programs:

27 (a) (I) The division of labor standards and statistics, the head of

1 which is the director of the division of labor standards and statistics,
2 ~~which division and office are hereby~~ created IN SECTION 8-1-103. The
3 division and the DIVISION'S director ~~shall exercise their powers and~~
4 ~~perform their duties and functions specified by law under the department~~
5 ~~of labor and employment as if they were~~ ARE transferred to the
6 department by a **type 2** transfer TO THE DEPARTMENT OF LABOR AND
7 EMPLOYMENT AND EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS
8 UNDER THE DEPARTMENT AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION
9 24-1-105.

10 (b) The division of employment and training, the head of which
11 is the director of the division of employment and training, CREATED IN
12 SECTION 8-83-102. The division ~~created by article 83 of title 8, C.R.S.,~~
13 and the DIVISION'S director ~~of the division shall exercise their powers,~~
14 ~~duties, and functions under the department of labor and employment as~~
15 ~~if~~ ARE transferred by a **type 2** transfer TO THE DEPARTMENT OF LABOR
16 ANDEMPLOYMENT AND EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS
17 UNDER THE DEPARTMENT AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION
18 24-1-105.

19 (d) (I) The division of workers' compensation, the head of which
20 ~~shall be~~ IS the director of the division of workers' compensation, ~~Said~~
21 ~~division,~~ created by section 8-47-101. ~~C.R.S., and the director thereof,~~
22 ~~shall exercise their powers, duties, and functions under the department of~~
23 ~~labor and employment as if~~ THE DIVISION AND THE DIVISION'S DIRECTOR
24 ARE transferred ~~thereto~~ by a **type 2** transfer TO THE DEPARTMENT OF
25 LABOR AND EMPLOYMENT AND EXERCISE THEIR POWERS, DUTIES, AND
26 FUNCTIONS UNDER THE DEPARTMENT AS **TYPE 2** ENTITIES, AS DEFINED IN
27 SECTION 24-1-105.

1 (e) The division of oil and public safety, the head of which ~~shall~~
2 ~~be~~ IS the director of the division of oil and public safety, which division
3 and office are created pursuant to section 8-20-101. ~~C.R.S.~~ The division
4 and the DIVISION'S director ~~shall exercise their powers and perform their~~
5 ~~duties and functions specified by law under the department of labor and~~
6 ~~employment as if the same were~~ ARE transferred to the department by a
7 **type 2** transfer TO THE DEPARTMENT OF LABOR AND EMPLOYMENT AND
8 EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS UNDER THE
9 DEPARTMENT AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105.

10 (f) The state work force development council, created by article
11 46.3 of this title, ~~which shall exercise its powers and perform its duties~~
12 ~~and functions under the department of labor and employment as if the~~
13 ~~same were~~ TITLE 24. THE COUNCIL IS transferred to the department by a
14 **type 2** transfer TO THE DEPARTMENT OF LABOR AND EMPLOYMENT AND
15 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT
16 AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

17 (g) The division of unemployment insurance, the head of which
18 is the director of the division of unemployment insurance, ~~The division,~~
19 created in article 71 of title 8. ~~C.R.S., and the director of the division shall~~
20 ~~exercise their powers, duties, and functions under the department of labor~~
21 ~~and employment as if~~ THE DIVISION AND THE DIVISION'S DIRECTOR ARE
22 transferred by a **type 2** transfer TO THE DEPARTMENT OF LABOR AND
23 EMPLOYMENT AND EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS
24 UNDER THE DEPARTMENT AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION
25 24-1-105.

26 (h) The powers, duties, and functions relating to vocational
27 rehabilitation programs, including the business enterprise program, ~~which~~

1 AS DESCRIBED IN ARTICLE 84 OF TITLE 8. THE VOCATIONAL
2 REHABILITATION PROGRAMS are transferred by a **type 2** transfer to the
3 department of labor and employment. <{*This is a "transfer of functions"*
4 *only.*>

5 (i) The powers, duties, and functions relating to the oversight of
6 independent living services pursuant to article 85 of title 8. C.R.S., are
7 THE OVERSIGHT OF INDEPENDENT LIVING SERVICES IS transferred by a
8 **type 2** transfer TO THE DEPARTMENT OF LABOR AND EMPLOYMENT. <{*This*
9 *is a "transfer of functions" only.*>

10 (4) The division of oil and public safety ~~shall include~~ INCLUDES
11 the following:

12 (b) The **division of boiler inspection**, created by article 4 of title
13 9. C.R.S. Said THE division and its powers, duties, and functions are IS
14 transferred by a **type 2** transfer to the department of labor and
15 employment, and IS allocated to the division of oil and public safety as a
16 section thereof, AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS
17 UNDER THE DEPARTMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
18 24-1-105. <{*DOLE: This is the only place in statute that calls this the*
19 *"division of boiler inspection". Its organic statute--see section 9-4-102,*
20 *section 85 of the bill--refers to it as the "boiler inspection section".*
21 *Should the name be changed here?*>

22 (5) The petroleum storage tank committee ~~shall exercise its~~
23 ~~powers and perform the duties and functions specified by article 20.5 of~~
24 ~~title 8, C.R.S., under the department of labor and employment and the~~
25 ~~executive director thereof as if the same were~~ ARE transferred to the
26 ~~department~~ by a **type 1** transfer TO THE DEPARTMENT OF LABOR AND
27 EMPLOYMENT AND EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS

1 SPECIFIED BY ARTICLE 20.5 OF TITLE 8 AS **TYPE 1** ENTITIES, AS DEFINED IN
2 SECTION 24-1-105.

3 (6) THE SPECIAL FUNDS BOARD, CREATED IN SECTION 8-44-206, IS
4 TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF LABOR AND
5 EMPLOYMENT AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS
6 UNDER THE DEPARTMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
7 24-1-105.

8 (7) THE WORKERS' COMPENSATION COST CONTAINMENT BOARD,
9 CREATED IN SECTION 8-14.5-104, IS TRANSFERRED BY A **TYPE 2** TRANSFER
10 TO THE DEPARTMENT OF LABOR AND EMPLOYMENT, IS ALLOCATED TO THE
11 DIVISION OF WORKERS' COMPENSATION, AND EXERCISES ITS POWERS,
12 DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT AS A **TYPE 2** ENTITY, AS
13 DEFINED IN SECTION 24-1-105.

14 **SECTION 77.** In Colorado Revised Statutes, 8-1-102, **amend** (1)
15 as follows:

16 **8-1-102. Industrial claim appeals office - creation - powers and**
17 **duties.** (1) There is ~~hereby~~ created in the office of the executive director
18 of the department of labor and employment the industrial claim appeals
19 office, which may consist of five industrial claim appeals examiners who
20 ~~shall be~~ ARE appointed to serve on the industrial claim appeals panel by
21 the executive director pursuant to section 13 of article XII of the state
22 constitution and the laws and rules governing the state personnel system.
23 THE INDUSTRIAL CLAIM APPEALS OFFICE EXERCISES ITS POWERS, DUTIES,
24 AND FUNCTIONS UNDER THE DEPARTMENT AS A **TYPE 2** ENTITY, AS
25 DEFINED IN SECTION 24-1-105. **Each industrial claim appeals examiner**
26 **shall exercise such examiner's THE powers OF AN EXAMINER and perform**
27 **such examiner's THE duties and functions OF AN EXAMINER in the**

1 industrial claim appeals office within the office of the executive director
2 of the department as if transferred thereto by AS a **type 2** transfer as such
3 transfer is defined in the "Administrative Organization Act of 1968",
4 article 1 of title 24, C.R.S. ENTITY, AS DEFINED IN SECTION 24-1-105.
5 Decisions and orders of the industrial claim appeals panel may be made
6 by two appeals examiners. In the event of a disagreement between **such**
7 THOSE two appeals examiners, a third appeals examiner shall review the
8 case, and the decision and final order of the appeals panel shall reflect the
9 collective decision of all three appeals examiners.

10 **SECTION 78.** In Colorado Revised Statutes, 8-1-103, **amend** (3)
11 as follows:

12 **8-1-103. Division of labor standards and statistics - director -**
13 **employees - qualifications - compensation - expenses. (3) The**
14 **DIRECTOR EXERCISES HIS OR HER** powers, duties, and functions of the
15 **director AS** prescribed under this article **ARTICLE 1**, including rule-making,
16 regulation, licensing, promulgation of rules, rates, regulations, and
17 standards, and the rendering of findings, orders, and adjudications, ~~shall~~
18 ~~be performed~~ **under the direction** and supervision of the executive
19 director of the department of labor and employment, as ~~prescribed by~~
20 ~~section 24-1-105 (4), C.R.S.~~ A **TYPE 2** ENTITY, AS DEFINED IN SECTION
21 24-1-105.

22 **SECTION 79.** In Colorado Revised Statutes, 8-14.5-104, **amend**
23 (2) as follows:

24 **8-14.5-104. Workers' compensation cost containment board**
25 **- creation. (2) The board shall exercise** EXERCISES its powers, ~~and~~
26 ~~perform its~~ DUTIES, AND functions under the department and the director
27 of the division as if the same were transferred to the department by a **type**

1 ~~2 transfer, as such transfer is defined in the "Administrative Organization~~
2 ~~Act of 1968", article 1 of title 24, C.R.S. ENTITY, AS DEFINED IN SECTION~~
3 ~~24-1-105.~~

4 **SECTION 80.** In Colorado Revised Statutes, 8-20-101, **amend**
5 (1) and (2) as follows:

6 **8-20-101. Division of oil and public safety - creation -**
7 **appointment of director - transfer of duties.** (1) There is hereby
8 created ~~within~~ IN the department of labor and employment the division of
9 oil and public safety, the head of which ~~shall be~~ IS the director of the
10 division of oil and public safety. The director of the division of oil and
11 public safety ~~shall be~~ IS appointed by the executive director of the
12 department of labor and employment and shall not have an interest in the
13 manufacture, sale, or distribution of oils. THE DIVISION AND THE
14 DIRECTOR OF THE DIVISION EXERCISE THEIR POWERS, DUTIES, AND
15 FUNCTIONS UNDER THE DEPARTMENT OF LABOR AND EMPLOYMENT AS
16 **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105.

17 (2) The director of the division of oil and public safety, on and
18 after July 1, 2001, shall execute, administer, perform, and enforce the
19 rights, powers, duties, functions, and obligations vested prior to July 1,
20 2001, in the state inspector of oils, the state boiler inspector, and, with
21 respect to articles 6 and 7 of title 9, ~~C.R.S.~~, the director of the division of
22 labor standards and statistics. ~~On July 1, 2001, all employees of the state~~
23 ~~inspector of oils, the state boiler inspector, and, with respect to duties~~
24 ~~performed pursuant to articles 6 and 7 of title 9, C.R.S., the director of the~~
25 ~~division of labor standards and statistics, whose principal duties are~~
26 ~~concerned with the duties and functions to be performed by the director~~
27 ~~of the division of oil and public safety and whose employment by the~~

1 ~~director of the division of oil and public safety is deemed necessary by the~~
2 ~~director of the division of oil and public safety to carry out the purposes~~
3 ~~of articles 20 and 20.5 of this title and articles 4, 6, and 7 of title 9,~~
4 ~~C.R.S., shall be transferred to the director of the division of oil and public~~
5 ~~safety and shall become employees thereof. These employees shall retain~~
6 ~~all rights to the state personnel system and retirement benefits under the~~
7 ~~laws of this state, and their services shall be deemed continuous. All~~
8 ~~transfers and any abolishment of positions in the state personnel system~~
9 ~~shall be made and processed in accordance with state personnel system~~
10 ~~laws and rules. <{ ***DOLE: Can some of this be repealed or deleted?***}>~~

11 **SECTION 81.** In Colorado Revised Statutes, 8-20.5-104, **amend**
12 (9) as follows:

13 **8-20.5-104. Rules - petroleum storage tank committee.** (9) The
14 petroleum storage tank committee ~~shall exercise~~ EXERCISES its powers,
15 ~~and perform its~~ duties, and functions specified by this section under the
16 department of labor and employment and the executive director thereof
17 as if the same were transferred to the department by AS a **type 1** transfer,
18 as such transfer is ENTITY, AS defined in section 24-1-105. C.R.S.

19 **SECTION 82.** In Colorado Revised Statutes, 8-44-206, **amend**
20 (2)(a) as follows:

21 **8-44-206. Guaranty fund - immediate payment fund - special**
22 **funds board - creation.** (2) **Creation of special funds board - duties.**

23 (a) For the purposes of carrying out this section, there is hereby created
24 a special funds board, which ~~shall exercise~~ EXERCISES its powers, and
25 ~~perform its~~ duties, and functions as specified in this subsection (2) under
26 the department of labor and employment as if the same were transferred
27 to the department by a **type 2** transfer as such transfer is defined in the

1 ~~"Administrative Organization Act of 1968"~~, article 1 of title 24, C.R.S.
2 ~~Said~~ ENTITY, AS DEFINED IN SECTION 24-1-105. THE board ~~shall be~~ IS
3 composed of five members: Four members who are managers or
4 employees of self-insured employers in good standing, two of whom shall
5 demonstrate knowledge of risk management and finance, and the
6 executive director.

7 **SECTION 83.** In Colorado Revised Statutes, 8-47-101, **amend**
8 (3)(a); and **repeal** (3)(c), (5), and (6) as follows:

9 **8-47-101. Division of workers' compensation - creation -**
10 **powers, duties, and functions - transfer of functions - change of**
11 **statutory references.** (3) (a) The division of workers' compensation
12 shall, on and after July 1, 1991, execute, administer, perform, and enforce
13 the rights, powers, duties, functions, and obligations vested in the division
14 of labor prior to July 1, 1991, concerning the duties and functions
15 transferred to the division of workers' compensation. **On July 1, 1991, all**
16 **employees of the division of labor whose principal duties are concerned**
17 **with the duties and functions transferred to the division of workers'**
18 **compensation and whose employment in the division of workers'**
19 **compensation is deemed necessary by the executive director of the**
20 **department of labor and employment to carry out the purposes of this**
21 **article 47 shall be transferred to the division of workers' compensation**
22 **and shall become employees. thereof. The employees shall retain all**
23 **rights to the state personnel system and retirement benefits under the laws**
24 **of this state, and their services shall be deemed to have been continuous.**
25 **All transfers and any abolishment of positions in the state personnel**
26 **system shall be made and processed in accordance with state personnel**
27 **system laws and rules.** <{***DOLE: Can the highlighted material be***

1 *repealed? It does not come from a type 3 transfer*> THE DIVISION OF
2 WORKERS' COMPENSATION, INCLUDING THE DIVISION'S DIRECTOR,
3 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT
4 OF LABOR AND EMPLOYMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
5 24-1-105.

6 (c) Whenever the division of labor is referred to or designated by
7 any contract or other document in connection with the duties and
8 functions transferred to the division of workers' compensation, ~~such~~ THE
9 reference or designation is deemed to apply to the division of workers'
10 compensation. All contracts entered into by the division of labor prior to
11 July 1, 1991, in connection with the duties and functions transferred to the
12 division of workers' compensation, are hereby validated, with the division
13 of workers' compensation succeeding to all the rights and obligations of
14 such contracts. Any appropriations of funds from prior fiscal years open
15 to satisfy obligations incurred under such contracts are hereby transferred
16 and appropriated to the division of workers' compensation for the
17 payment of such obligations. <*DOLE: Can (c) be repealed?*>

18 (5) ~~On and after July 1, 1991, when any provision of articles 40~~
19 ~~to 47 of this title 8 refers to the division of labor, said law shall be~~
20 ~~construed as referring to the division of workers' compensation.~~

21 (6) ~~The revisor of statutes is authorized to change all references~~
22 ~~to the director of the division of labor standards and statistics and the~~
23 ~~division of labor standards and statistics in articles 14.5 and 40 to 47 of~~
24 ~~this title to refer to the director of the division of workers' compensation~~
25 ~~and the division of workers' compensation. <*DOLE: There is one*~~
26 *reference left in these articles--in section 8-47-101 (6). If this section is*
27 *repealed, the change could be included as a conforming amendment.*>

1 **SECTION 84.** In Colorado Revised Statutes, 8-71-102, **amend**
2 (1) as follows:

3 **8-71-102. Powers, duties, and functions - acceptance of money.**

4 (1) The functions of the division comprise all administrative functions of
5 the state in relation to the administration of articles 70 to 82 of this ~~title~~
6 ~~TITLE 8. THE DIVISION AND the director of the division shall~~ exercise the
7 powers, duties, and functions prescribed under articles 70 to 82 of this
8 ~~title~~ ~~TITLE 8~~ under the direction and supervision of the executive director
9 of the department of labor and employment as ~~prescribed by~~ **TYPE 2**
10 ~~ENTITIES, AS DEFINED IN section 24-1-105. (4), C.R.S.~~ Any vacancy in the
11 office of director of the division ~~shall be~~ **IS** filled in the manner provided
12 by law.

13 **SECTION 85.** In Colorado Revised Statutes, 8-83-103, **amend**
14 (1) as follows:

15 **8-83-103. Powers, duties, and functions - acceptance of money**

16 **- repeal.** (1) The functions of the division comprise all administrative
17 functions of the state in relation to the administration of this ~~article~~
18 ~~ARTICLE 83. THE DIVISION AND the director shall~~ exercise ~~his or her~~ ~~THE~~
19 powers, duties, and functions prescribed under this ~~article~~ ~~ARTICLE 83~~
20 under the direction and supervision of the executive director of the
21 department as ~~prescribed by~~ **TYPE 2** ~~ENTITIES, AS DEFINED IN section~~
22 ~~24-1-105. (4), C.R.S.~~ Any vacancy in the office of director ~~shall be~~ **IS**
23 filled in the manner provided by law.

24 **SECTION 86.** In Colorado Revised Statutes, 8-84-108, **amend**
25 (1)(a) as follows:

26 **8-84-108. Transfer of functions - transition plan - report.**

27 (1) (a) On and after July 1, 2016, the rights, powers, duties, and functions

1 regarding vocational rehabilitation programs, including the business
2 enterprise program, vested in the department of human services prior to
3 that date are transferred from the department of human services to the
4 department of labor and employment by a **type 2** transfer, as such transfer
5 is defined in the "~~Administrative Organization Act of 1968~~", article 1 of
6 ~~title 24, C.R.S.~~ SECTION 24-1-105.

7 **SECTION 87.** In Colorado Revised Statutes, 8-85-109, **amend**
8 (1) as follows:

9 **8-85-109. Transfer of functions - transition plan - report.**

10 (1) On and after July 1, 2016, the rights, powers, duties, and functions
11 regarding independent living services vested in the department of human
12 services prior to that date are transferred from the department of human
13 services to the department of labor and employment by a **type 2** transfer,
14 as such transfer is defined in the "~~Administrative Organization Act of~~
15 ~~1968~~", article 1 of title 24, C.R.S. SECTION 24-1-105.

16 **SECTION 88.** In Colorado Revised Statutes, 9-4-102, **amend** (1)
17 as follows:

18 **9-4-102. Boiler inspection section - created - director - chief**
19 **boiler inspector - inspectors - qualifications.** (1) The director shall
20 carry out the provisions of this ~~article~~ ARTICLE 4. The director may
21 appoint a chief boiler inspector to oversee the boiler inspection section,
22 which is ~~hereby~~ created in the division of oil and public safety. THE
23 BOILER INSPECTION SECTION EXERCISES ITS POWERS, DUTIES, AND
24 FUNCTIONS UNDER THE DEPARTMENT OF LABOR AND EMPLOYMENT AS A
25 **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105. The chief boiler
26 inspector and each state boiler inspector must be qualified from practical
27 experience in the construction, maintenance, repair, or operation of

1 boilers as a mechanical or safety engineer, steam engineer, boilermaker,
2 or boiler inspector of not less than five years' actual experience to enable
3 him or her to judge the safety of boilers for use as such. Neither the chief
4 boiler inspector nor any state boiler inspector shall be interested directly
5 or indirectly in the manufacture, ownership, or sale of boilers or boiler
6 supplies. <{*DOLE: Should this be called the "boiler inspection section"*
7 *or the "division of boiler inspection" (see section 76 of the bill, section*
8 *24-1-121 (4)(b))?*>

9 **SECTION 89.** In Colorado Revised Statutes, 24-46.3-101,
10 **amend** (1) as follows:

11 **24-46.3-101. State work force development council - creation**
12 **- membership - funding through gifts, grants, and donations - talent**
13 **pipeline cash fund.** (1) There is hereby created ~~within~~ IN the department
14 of labor and employment, also referred to in this ~~article~~ ARTICLE 46.3 as
15 the "department", the state work force development council, also referred
16 to in this ~~article~~ ARTICLE 46.3 as the "state council". THE STATE COUNCIL
17 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT
18 AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105. The state council
19 ~~shall be~~ IS established as a state work force development board in
20 accordance with the federal "Workforce Innovation and Opportunity
21 Act", 29 U.S.C. sec. 3101 et seq., as amended, also referred to in this
22 article as the "federal act".

23 **SECTION 90.** In Colorado Revised Statutes, 24-1-122, **amend**
24 (2) introductory portion, (2)(a), (2)(a.5), (2)(b), (2)(c), (2)(d), (2)(e),
25 (2)(g), (2)(h), (2)(k), and (3) introductory portion; and **add** (3)(nn) and
26 (4)(f) as follows: <{*DORA: The state board of landscape architects is*
27 *created in section 12-45-105, but is not in this AOA section. Should it*

1 *be included?*>

2 **24-1-122. Department of regulatory agencies - creation.**

3 (2) The department of regulatory agencies ~~shall consist~~ CONSISTS of the
4 following divisions:

5 (a) The public utilities commission, created by article 2 of title 40.
6 ~~C.R.S. Its powers, duties, and functions are~~ THE PUBLIC UTILITIES
7 COMMISSION IS transferred by a **type 1** transfer to the department of
8 regulatory agencies as a division ~~thereof~~ OF THE DEPARTMENT AND
9 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS
10 DEFINED IN SECTION 24-1-105. The director of the commission ~~shall serve~~
11 SERVES as the division director.

12 (a.5) The office of consumer counsel and the utility consumers'
13 board, created by article 6.5 of title 40. ~~C.R.S. The office of consumer~~
14 ~~counsel and its powers, duties, and functions are~~ IS transferred by a **type**
15 **1** transfer to the department of regulatory agencies as a division ~~thereof~~
16 OF THE DEPARTMENT AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS
17 AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. The utility
18 consumers' board ~~shall exercise its powers and perform its duties and~~
19 ~~functions under the department as if the same were~~ IS transferred to the
20 ~~department~~ by a **type 1** transfer, ~~and~~ TO THE DEPARTMENT OF
21 REGULATORY AGENCIES, IS allocated to the office of consumer counsel,
22 AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY,
23 AS DEFINED IN SECTION 24-1-105.

24 (b) (I) THE division of insurance, the head of which ~~shall be~~ IS the
25 commissioner of insurance. The division of insurance of the state of
26 Colorado, created by section 10-1-103, ~~C.R.S., and its powers, duties, and~~
27 ~~functions are~~ IS transferred by a **type 1** transfer to the department of

1 regulatory agencies as the division of insurance AND EXERCISES ITS
2 POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN
3 SECTION 24-1-105.

4 (II) The workers' compensation classification appeals board,
5 created by section 8-55-101 (1). ~~C.R.S., shall exercise its powers and~~
6 ~~perform duties and functions under the division of insurance as if such~~
7 ~~workers' compensation classification appeals board were~~ THE WORKERS'
8 COMPENSATION CLASSIFICATION APPEALS BOARD IS transferred to the
9 ~~division of insurance~~ by a **type 1** transfer, TO THE DIVISION OF
10 INSURANCE, IS ALLOCATED TO THE DIVISION OF INSURANCE, AND
11 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS
12 DEFINED IN SECTION 24-1-105.

13 (c) THE division of financial services, the head of which ~~shall be~~
14 IS the state commissioner of financial services. The financial services
15 board, created by section 11-44-101.6, ~~C.R.S., and its powers, duties, and~~
16 ~~functions are~~ IS transferred as if by a **type 1** transfer to the department of
17 regulatory agencies, ~~and~~ IS allocated to the division of financial services,
18 AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY,
19 AS DEFINED IN SECTION 24-1-105. The office of state commissioner of
20 financial services and the financial services division of the state of
21 Colorado, created by article 44 of title 11, ~~C.R.S.~~, are transferred by a
22 **type 2** transfer to the department of regulatory agencies, ~~and~~ ARE
23 allocated to the division of financial services, AND EXERCISE THEIR
24 POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF
25 REGULATORY AGENCIES AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION
26 24-1-105.

27 (d) THE division of banking, the head of which ~~shall be~~ IS the state

1 bank commissioner, AND the banking board, created by article 102 of title
2 11. ~~C.R.S., and its powers, duties, and functions~~ THE DIVISION OF
3 BANKING, THE STATE BANK COMMISSIONER, AND THE BANKING BOARD are
4 transferred by a **type 1** transfer to the department of regulatory agencies,
5 ~~and~~ ARE allocated to the division of banking, AND EXERCISE THEIR
6 POWERS, DUTIES, AND FUNCTIONS AS **TYPE 1** ENTITIES, AS DEFINED IN
7 SECTION 24-1-105.

8 (e) THE division of securities, CREATED IN ARTICLE 51 OF TITLE 11,
9 the head of which ~~shall be~~ IS the commissioner of securities, AND the
10 securities board, created in section 11-51-702.5. ~~C.R.S., and its powers,~~
11 ~~duties, and functions~~ THE DIVISION OF SECURITIES, THE COMMISSIONER OF
12 SECURITIES, AND THE SECURITIES BOARD are transferred by a **type 1**
13 transfer to the department of regulatory agencies, ~~and~~ ARE allocated to the
14 division of securities, ~~The division of securities, and the office of~~
15 ~~commissioner of securities, created by article 51 of title 11, C.R.S., and~~
16 ~~their powers, duties, and functions are transferred by a type 1 transfer to~~
17 ~~the department of regulatory agencies as the division of securities~~ AND
18 EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS AS **TYPE 1** ENTITIES, AS
19 DEFINED IN SECTION 24-1-105.

20 (g) THE division of professions and occupations, the head of
21 which ~~shall be~~ IS the director of professions and occupations, which
22 office is ~~hereby~~ created. The division of professions and occupations is
23 transferred by a **type 2** transfer to the department of regulatory agencies
24 as the division of professions and occupations AND EXERCISES ITS
25 POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT AS A **TYPE 2**
26 ENTITY, AS DEFINED IN SECTION 24-1-105.

27 (h) THE Colorado civil rights division, the head of which ~~shall be~~

1 IS the director of the Colorado civil rights division, AND THE COLORADO
2 CIVIL RIGHTS COMMISSION. The Colorado civil rights commission, the
3 Colorado civil rights division, and the office of director of the Colorado
4 civil rights division, created by part 3 of article 34 of this title, ~~and their~~
5 ~~powers, duties, and functions~~ TITLE 24, are transferred by a **type 1**
6 transfer to the department of regulatory agencies as the Colorado civil
7 rights division AND EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS AS
8 **TYPE 1** ENTITIES, AS DEFINED IN SECTION 24-1-105.

9 (k) (I) THE division of real estate, the head of which ~~shall be~~ IS the
10 director of the division, AND THE REAL ESTATE COMMISSION. The division
11 of real estate and the DIVISION'S director, ~~of the division,~~ created by part
12 1 of article 61 of title 12, C.R.S., ~~shall exercise their powers and perform~~
13 ~~their duties and functions under the department of regulatory agencies as~~
14 ~~if they were~~ ARE transferred to the department by a **type 2** transfer TO THE
15 DEPARTMENT OF REGULATORY AGENCIES AND EXERCISE THEIR POWERS,
16 DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF REGULATORY
17 AGENCIES AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105. The real
18 estate commission, created by part 1 of article 61 of title 12, C.R.S., ~~and~~
19 ~~its powers, duties, and functions are~~ IS transferred by a **type 1** transfer to
20 the department of regulatory agencies AND EXERCISES ITS POWERS,
21 DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION
22 24-1-105.

23 (II) The division ~~shall include~~ OF REAL ESTATE INCLUDES the
24 board of real estate appraisers, created by part 7 of article 61 of title 12.
25 C.R.S., ~~which shall exercise its powers and perform its duties and~~
26 ~~functions under the department of regulatory agencies as if the same were~~
27 THE BOARD OF REAL ESTATE APPRAISERS IS transferred ~~thereto~~ by a **type**

1 **1** transfer TO THE DEPARTMENT OF REGULATORY AGENCIES AND
2 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS
3 DEFINED IN SECTION 24-1-105. The division ~~shall~~ OF REAL ESTATE also
4 ~~include~~ INCLUDES the board of mortgage loan originators, created by
5 section 12-61-902.5. ~~C.R.S.~~ The board of mortgage loan originators ~~shall~~
6 ~~exercise its powers and perform its duties and functions under the~~
7 ~~department of regulatory agencies as if~~ IS transferred ~~thereto~~ by a **type 1**
8 transfer TO THE DEPARTMENT OF REGULATORY AGENCIES AND EXERCISES
9 ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN
10 SECTION 24-1-105.

11 (III) THE DIVISION OF REAL ESTATE INCLUDES THE CONSERVATION
12 EASEMENT OVERSIGHT COMMISSION, CREATED IN SECTION 12-61-725. THE
13 CONSERVATION EASEMENT OVERSIGHT COMMISSION IS TRANSFERRED BY
14 A **TYPE 2** TRANSFER TO THE DEPARTMENT OF REGULATORY AGENCIES AND
15 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT
16 OF REGULATORY AGENCIES AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
17 24-1-105.

18 <{**DORA: Are there other type 1 boards that should also be listed under**
19 **subsection (3)?**>

20 (3) The following boards and agencies are transferred by a **type**
21 **1** transfer to the department of regulatory agencies, ~~and~~ ARE allocated to
22 the division of professions and occupations, AND EXERCISE THEIR
23 POWERS, DUTIES, AND FUNCTIONS AS **TYPE 1** ENTITIES, AS DEFINED IN
24 SECTION 24-1-105:

25 (m) THE STATE PHYSICAL THERAPY BOARD, CREATED BY PART 1
26 OF ARTICLE 41 OF TITLE 12.

27 (4) The following boards and agencies are transferred by a **type**

1 **2** transfer to the department of regulatory agencies and allocated to the
2 division of professions and occupations:

3 (f) THE OFFICE OF COMBATIVE SPORTS, CREATED IN SECTION
4 12-10-104, AND THE COLORADO COMBATIVE SPORTS COMMISSION,
5 CREATED IN SECTION 12-10-105, WHICH EXERCISE THEIR POWERS, DUTIES,
6 AND FUNCTIONS UNDER THE DEPARTMENT OF REGULATORY AGENCIES AS
7 **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105. <{*DORA: are there*
8 *other type 2 boards or offices that should also be listed here?*>

9 **SECTION 91.** In Colorado Revised Statutes, 8-55-101, **amend**
10 (1) introductory portion as follows:

11 **8-55-101. Workers' compensation classification appeals board**
12 **- creation.** (1) There is hereby created in the division of insurance in the
13 department of regulatory agencies the workers' compensation
14 classification appeals board. THE WORKERS' COMPENSATION
15 CLASSIFICATION APPEALS BOARD EXERCISES ITS POWERS, DUTIES, AND
16 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. The
17 board shall hear grievances brought by employers against insurers and
18 Pinnacol Assurance concerning the calculation of experience
19 modification factors and classification assignment decisions. The board
20 ~~shall consist~~ CONSISTS of five voting members, each of whom ~~shall~~ MUST
21 be knowledgeable about workers' compensation classification and
22 experience modification factors, and one nonvoting member, as follows:

23 **SECTION 92.** In Colorado Revised Statutes, 10-1-103, **amend**
24 (1) as follows:

25 **10-1-103. Division of insurance - subject to repeal - repeal of**
26 **functions.** (1) There is established a division of insurance ~~within~~ IN the
27 department of regulatory agencies. THE DIVISION OF INSURANCE AND THE

1 COMMISSIONER OF INSURANCE, WHO IS THE HEAD OF THE DIVISION OF
2 INSURANCE, EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS AS **TYPE**
3 **1** ENTITIES, AS DEFINED IN SECTION 24-1-105. This division is charged
4 with the execution of the laws relating to insurance and has a supervising
5 authority over the business of insurance in this state. Offices of the
6 division of insurance ~~shall~~ MUST be provided in the capitol buildings
7 group at Denver, Colorado. Whenever any law of this state refers to the
8 insurance department of the state of Colorado, ~~said~~ THE law shall be
9 construed as referring to the division of insurance.

10 **SECTION 93.** In Colorado Revised Statutes, **amend** 11-44-101
11 as follows:

12 **11-44-101. Division of financial services created.** There is
13 ~~hereby~~ created a division of financial services ~~within~~ IN the department
14 of regulatory agencies, which shall be administered by the state
15 commissioner of financial services. THE DIVISION OF FINANCIAL SERVICES
16 AND THE OFFICE OF THE COMMISSIONER OF FINANCIAL SERVICES EXERCISE
17 THEIR POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF
18 REGULATORY AGENCIES AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION
19 24-1-105. ~~When any law of this state refers to the savings and loan~~
20 ~~department of the state of Colorado, said law shall be construed as~~
21 ~~referring to the division of financial services.~~ <{***DORA: This was the last***
22 ~~***reference to "savings and loan department" in statute.***~~>

23 **SECTION 94.** In Colorado Revised Statutes, 11-44-101.6,
24 **amend** (1) as follows:

25 **11-44-101.6. Financial services board - creation.** (1) There is
26 ~~hereby~~ established in the division OF FINANCIAL SERVICES the financial
27 services board, which ~~shall consist~~ CONSISTS of five members. THE

1 FINANCIAL SERVICES BOARD EXERCISES ITS POWERS, DUTIES, AND
2 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

3 **SECTION 95.** In Colorado Revised Statutes, **amend** 11-51-701
4 as follows:

5 **11-51-701. Division of securities - creation - powers and duties.**

6 There is ~~hereby~~ created the division of securities ~~within~~ IN the department
7 of regulatory agencies, the head of which ~~shall be~~ IS the commissioner of
8 securities, who shall be appointed by the executive director of the
9 department of regulatory agencies, pursuant to the provisions of section
10 13 of article XII of the state constitution. **and the securities board.**

11 *<{DORA: This reference to the board is stricken here because the*
12 *board is actually created in section 11-51-702.5}>* THE DIVISION OF
13 SECURITIES AND THE OFFICE OF COMMISSIONER OF SECURITIES EXERCISE
14 THEIR POWERS, DUTIES, AND FUNCTIONS AS **TYPE 1** ENTITIES, AS DEFINED
15 IN SECTION 24-1-105. The division ~~shall be~~ IS responsible for the
16 administration of the provisions of articles 51, 53, and 59 of this title
17 TITLE 11 and part 7 of article 75 of title 24 ~~C.R.S.~~, and shall perform such
18 other duties as are imposed upon it by law.

19 **SECTION 96.** In Colorado Revised Statutes, 11-51-702.5, **add**
20 (2.5) as follows:

21 **11-51-702.5. Securities board - creation - duties - repeal.**

22 (2.5) THE SECURITIES BOARD EXERCISES ITS POWERS, DUTIES, AND
23 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

24 **SECTION 97.** In Colorado Revised Statutes, 11-102-101, **add**
25 (2.5) as follows:

26 **11-102-101. Division of banking - creation - subject to**
27 **termination - repeal of article.** (2.5) THE DIVISION OF BANKING AND THE

1 STATE BANK COMMISSIONER EXERCISE THEIR POWERS, DUTIES, AND
2 FUNCTIONS AS **TYPE 1** ENTITIES, AS DEFINED IN SECTION 24-1-105.

3 **SECTION 98.** In Colorado Revised Statutes, 11-102-104, **add**
4 (1.5) as follows:

5 **11-102-104. Powers and duties of banking board.** (1.5) THE
6 BANKING BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A
7 **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

8 **SECTION 99.** In Colorado Revised Statutes, 12-2-103, **add** (1.5)
9 as follows:

10 **12-2-103. State board of accountancy - subject to termination.**
11 (1.5) THE STATE BOARD OF ACCOUNTANCY EXERCISES ITS POWERS,
12 DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION
13 24-1-105.

14 **SECTION 100.** In Colorado Revised Statutes, **amend** 12-10-104
15 as follows:

16 **12-10-104. Office of combative sports - creation.** There is
17 ~~hereby created within~~ IN the division of professions and occupations in
18 the department of regulatory agencies the office of combative sports. The
19 office of combative sports and the Colorado combative sports
20 commission, created in section 12-10-105, ~~shall~~ exercise their respective
21 powers, ~~and perform their respective~~ duties, and functions as ~~specified in~~
22 ~~this article 10 under the department of regulatory agencies as if the~~
23 ~~powers, duties, and functions were transferred to the department by a~~
24 **type 2** transfer, as such transfer is defined in the "Administrative
25 Organization Act of 1968", article 1 of title 24 ENTITIES, AS DEFINED IN
26 SECTION 24-1-105.

27 **SECTION 101.** In Colorado Revised Statutes, **amend** 12-23-103

1 as follows:

2 **12-23-103. Board under department of regulatory agencies.**

3 The state electrical board ~~and its~~ EXERCISES ITS powers, duties, and
4 functions ~~are transferred, effective July 1, 1978, by AS a type 1 transfer,~~
5 ~~as such transfer is defined in the "Administrative Organization Act of~~
6 ~~1968", article 1 of title 24, C.R.S., to the department of regulatory~~
7 ~~agencies and~~ ENTITY, AS DEFINED IN SECTION 24-1-105. THE STATE
8 ELECTRICAL BOARD IS allocated to the division of professions and
9 occupations IN THE DEPARTMENT OF REGULATORY AGENCIES.

10 **SECTION 102.** In Colorado Revised Statutes, 12-25-106, **amend**
11 (1) as follows:

12 **12-25-106. State board of licensure - subject to termination -**

13 **repeal of article.** (1) A state board of licensure for architects,
14 professional engineers, and professional land surveyors is ~~hereby~~ created,
15 the duty of which ~~shall be~~ IS to administer the provisions of this ~~article~~
16 ARTICLE 25. ~~Duties of the board shall~~ THE BOARD'S DUTIES include those
17 provided in sections 12-25-107, 12-25-207, and 12-25-307. THE STATE
18 BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND
19 PROFESSIONAL LAND SURVEYORS EXERCISES ITS POWERS, DUTIES, AND
20 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

21 **SECTION 103.** In Colorado Revised Statutes, 12-32-104, **amend**
22 (1) introductory portion as follows:

23 **12-32-104. Powers and duties of board.** (1) The Colorado

24 podiatry board shall regulate the practice of podiatry. THE COLORADO
25 PODIATRY BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A
26 **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. The board shall
27 exercise, subject to the provisions of this ~~article~~ ARTICLE 32, the

1 following powers and duties:

2 **SECTION 104.** In Colorado Revised Statutes, 12-33-103, **add**
3 (1.5) as follows:

4 **12-33-103. State board of chiropractic examiners - subject to**
5 **termination - repeal of article.** (1.5) THE COLORADO STATE BOARD OF
6 CHIROPRACTIC EXAMINERS EXERCISES ITS POWERS, DUTIES, AND
7 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

8 **SECTION 105.** In Colorado Revised Statutes, 12-35-104, **amend**
9 (1)(a)(I) as follows:

10 **12-35-104. Colorado dental board - subject to termination -**
11 **immunity - repeal of article.** (1) (a) (I) The Colorado dental board is
12 ~~hereby~~ created as the agency of this state for the regulation of the practice
13 of dentistry in this state and to carry out the purposes of this ~~article~~
14 ARTICLE 35. THE DENTAL BOARD EXERCISES ITS POWERS, DUTIES, AND
15 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, AND
16 the board is subject to the supervision and control of the division of
17 professions and occupations as provided by section 24-34-102. ~~C.R.S.~~

18 **SECTION 106.** In Colorado Revised Statutes, 12-36-103, **amend**
19 (1)(a)(I) introductory portion as follows:

20 **12-36-103. Colorado medical board - immunity - subject to**
21 **termination - repeal of article.** (1) (a) (I) There is ~~hereby~~ created the
22 Colorado medical board, referred to in this ~~article~~ ARTICLE 36 as the
23 "board". THE BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS
24 A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. The board ~~shall~~
25 ~~consist~~ CONSISTS of sixteen members appointed by the governor and
26 possessing the qualifications specified in this ~~article~~ ARTICLE 36 and as
27 follows:

1 **SECTION 107.** In Colorado Revised Statutes, 12-38-104, **amend**
2 (1)(a) introductory portion as follows:

3 **12-38-104. State board of nursing created.** (1) (a) There is
4 ~~hereby~~ created the state board of nursing in the division of professions
5 and occupations in the department of regulatory agencies. ~~which board~~
6 ~~shall consist~~ THE STATE BOARD OF NURSING EXERCISES ITS POWERS,
7 DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION
8 24-1-105. THE BOARD CONSISTS of eleven members who are residents of
9 this state, appointed by the governor as follows:

10 **SECTION 108.** In Colorado Revised Statutes, 12-39-104, **amend**
11 (4) as follows:

12 **12-39-104. Board of examiners of nursing home**
13 **administrators - creation - subject to termination.** (4) The board ~~shall~~
14 ~~exercise~~ EXERCISES its powers, ~~and perform its~~ duties, and functions
15 specified by this ~~article~~ ARTICLE 39 under the department of regulatory
16 agencies and the executive director thereof and the division of professions
17 and occupations as ~~if the same were transferred to the department by a~~
18 **type 1 transfer**, as such transfer is defined in the "Administrative
19 ~~Organization Act of 1968"~~, article 1 of title 24, C.R.S. ENTITY, AS
20 DEFINED IN SECTION 24-1-105.

21 **SECTION 109.** In Colorado Revised Statutes, 12-40-106, **amend**
22 (1)(a) as follows:

23 **12-40-106. State board of optometry - subject to termination.**
24 (1) (a) The state board of optometry, referred to in this ~~article~~ ARTICLE 40
25 as the "board", is under the supervision and control of the division of
26 professions and occupations as provided by section 24-34-102. ~~C.R.S.~~
27 THE BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1**

1 ENTITY, AS DEFINED IN SECTION 24-1-105. The board consists of five
2 optometrists and two members-at-large, to be appointed by the governor
3 to serve for terms of four years; except that no person shall be appointed
4 to serve more than two consecutive terms. Each member of the board,
5 except for the members-at-large, must have been actually engaged and
6 licensed in the practice of optometry in Colorado for the five years
7 preceding the member's appointment. At least one of the two
8 members-at-large must not be a member or representative of, nor have
9 any direct interest in, any profession, agency, or institution providing
10 health services.

11 **SECTION 110.** In Colorado Revised Statutes, 12-41-103, **amend**
12 (1.5) as follows:

13 **12-41-103. Definitions.** As used in this article 41, unless the
14 context otherwise requires:

15 (1.5) "Board" means the STATE physical therapy board created in
16 section 12-41-103.3. <{*This clarifies the proper name of the state*
17 *physical therapy board*>

18 **SECTION 111.** In Colorado Revised Statutes, 12-41-103.3,
19 **amend** (1)(c) as follows:

20 **12-41-103.3. State physical therapy board - created.**

21 (1) (c) The board exercises its powers, ~~and performs its~~ duties, and
22 functions under the division of professions and occupations as ~~if the~~
23 ~~powers, duties, and functions were transferred to the division by a type~~
24 ~~1 transfer, as defined in the "Administrative Organization Act of 1968",~~
25 ~~article 1 of title 24, C.R.S.~~ ENTITY, AS DEFINED IN SECTION 24-1-105. The
26 division OF PROFESSIONS AND OCCUPATIONS shall provide necessary
27 management support to the board under section 24-34-102. ~~C.R.S.~~

1 **SECTION 112.** In Colorado Revised Statutes, 12-42.5-103,
2 **amend** (2) as follows:

3 **12-42.5-103. State board of pharmacy - creation - subject to**
4 **termination - repeal of parts.** (2) The board ~~shall exercise~~ EXERCISES
5 its powers, ~~and perform its duties,~~ and functions specified by this ~~article~~
6 ARTICLE 42.5 under the department of regulatory agencies and the
7 executive director of the department as ~~if the same were transferred to the~~
8 ~~department by a type 1 transfer, as is defined in the "Administrative~~
9 ~~Organization Act of 1968", article 1 of title 24, C.R.S.~~ ENTITY, AS
10 DEFINED IN SECTION 24-1-105.

11 **SECTION 113.** In Colorado Revised Statutes, 12-43-302, **amend**
12 (1) as follows:

13 **12-43-302. State board of psychologist examiners.** (1) There
14 is ~~hereby~~ created a state board of psychologist examiners under the
15 supervision and control of the division of professions and occupations of
16 the department of regulatory agencies, created in section 24-1-122 (2)(g).
17 ~~C.R.S.~~ THE STATE BOARD OF PSYCHOLOGIST EXAMINERS EXERCISES ITS
18 POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN
19 SECTION 24-1-105.

20 **SECTION 114.** In Colorado Revised Statutes, 12-43-402, **amend**
21 (1) as follows:

22 **12-43-402. State board of social work examiners.** (1) There is
23 ~~hereby~~ created under the supervision and control of the division of
24 professions and occupations of the department of regulatory agencies the
25 state board of social work examiners, which ~~shall consist~~ CONSISTS of
26 seven members who are citizens of the United States and residents of the
27 state of Colorado. THE STATE BOARD OF SOCIAL WORK EXAMINERS

1 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS
2 DEFINED IN SECTION 24-1-105.

3 **SECTION 115.** In Colorado Revised Statutes, 12-43-502, **amend**
4 (1) as follows:

5 **12-43-502. State board of marriage and family therapist**
6 **examiners.** (1) There is ~~hereby~~ created under the supervision and control
7 of the division of professions and occupations of the department of
8 regulatory agencies, created in section 24-1-122 (2)(g), ~~C.R.S.~~, the state
9 board of marriage and family therapist examiners. ~~which shall consist~~
10 THE STATE BOARD OF MARRIAGE AND FAMILY THERAPIST EXAMINERS
11 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS
12 DEFINED IN SECTION 24-1-105. THE STATE BOARD OF MARRIAGE AND
13 FAMILY THERAPIST EXAMINERS CONSISTS of seven members who are
14 citizens of the United States and residents of the state of Colorado.

15 **SECTION 116.** In Colorado Revised Statutes, 12-43-602, **amend**
16 (1) as follows:

17 **12-43-602. State board of licensed professional counselor**
18 **examiners.** (1) There is ~~hereby~~ created the state board of licensed
19 professional counselor examiners under the supervision and control of the
20 division of professions and occupations of the department of regulatory
21 agencies, created in section 24-1-122 (2)(g). ~~C.R.S.~~ THE BOARD
22 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS
23 DEFINED IN SECTION 24-1-105. The board ~~shall consist~~ CONSISTS of seven
24 members who are citizens of the United States and residents of the state
25 of Colorado.

26 **SECTION 117.** In Colorado Revised Statutes, 12-43-702, **amend**
27 (1) as follows:

1 **12-43-702. State board of registered psychotherapists -**
2 **creation - membership.** (1) There is hereby created the state board of
3 registered psychotherapists, which shall be IS under the supervision and
4 control of the division of professions and occupations as provided in
5 section 24-34-102. ~~C.R.S.~~ THE BOARD EXERCISES ITS POWERS, DUTIES,
6 AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.
7 The board shall consist CONSISTS of seven members who are residents of
8 the state of Colorado.

9 **SECTION 118.** In Colorado Revised Statutes, 12-43-802, **amend**
10 (1) as follows:

11 **12-43-802. State board of addiction counselor examiners.**

12 (1) There is hereby created a state board of addiction counselor
13 examiners under the supervision and control of the division of professions
14 and occupations in the department of regulatory agencies. THE STATE
15 BOARD OF ADDICTION COUNSELOR EXAMINERS EXERCISES ITS POWERS,
16 DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION
17 24-1-105. Once the governor appoints the board members and the board
18 adopts necessary rules, the board is responsible for regulating addiction
19 counselors pursuant to this part 8 and this article **The director retains the**
20 **authority to regulate addiction counselors for three months after the date**
21 **on which all members of the board have been appointed, and ARTICLE 43.**
22 **The director's rules adopted pursuant to this part 8 remain in effect until**
23 **the director repeals the rules. <{DORA - is the director's authority**
24 **language now obsolete? Should it be deleted as marked?>**

25 **SECTION 119.** In Colorado Revised Statutes, 12-58-103, **amend**
26 (1) as follows:

27 **12-58-103. Examining board of plumbers - repeal of article.**

1 (1) There is ~~hereby established within~~ IN the division of professions and
2 occupations of the department of regulatory agencies the state plumbing
3 board. The board ~~shall exercise~~ EXERCISES its powers, ~~and perform its~~
4 duties, and functions in the department of regulatory agencies as if it were
5 transferred to the department by a **type 1** transfer, ~~as such transfer is~~
6 ~~defined in the "Administrative Organization Act of 1968", article 1 of title~~
7 ~~24, C.R.S.~~ ENTITY, AS DEFINED IN SECTION 24-1-105.

8 **SECTION 120.** In Colorado Revised Statutes, 12-61-105, **amend**
9 (1) as follows:

10 **12-61-105. Commission - compensation - immunity - subject**
11 **to termination.** (1) There is ~~hereby~~ created a commission of five
12 members, appointed by the governor, which ~~shall administer~~
13 ADMINISTERS parts 1 and 4 of this article 61. This commission is known
14 as the real estate commission, also referred to in this part 1 as the
15 "commission". THE COMMISSION EXERCISES ITS POWERS, DUTIES, AND
16 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105, and
17 consists of three real estate brokers who have had not less than five years'
18 experience in the real estate business in Colorado, one of whom has
19 substantial experience in property management, and two representatives
20 of the public at large. Members of the commission ~~hold office for a~~
21 ~~period of three years~~ SERVE THREE-YEAR TERMS. Upon the death,
22 resignation, removal, or otherwise of any member of the commission, the
23 governor shall appoint a member to fill out the unexpired term. The
24 governor may remove any member for misconduct, neglect of duty, or
25 incompetence.

26 **SECTION 121.** In Colorado Revised Statutes, 12-61-106, **amend**
27 (1) as follows:

1 **12-61-106. Division of real estate - director, clerks, and**
2 **assistants.** (1) The executive director of the department of regulatory
3 agencies is authorized by this section to employ, subject to the provisions
4 of the state personnel system laws of the state, a director of the division
5 of real estate, who in turn shall employ such attorneys, deputies,
6 investigators, clerks, and assistants as are necessary to discharge the
7 duties imposed by parts 1 and 4 of this article 61. The division of real
8 estate, which is a division in the department of regulatory agencies, and
9 the director of the division shall exercise their powers, ~~and perform their~~
10 duties, and functions under the department of regulatory agencies as if
11 ~~they were transferred to the department by a type 2 transfer~~ ENTITIES, AS
12 DEFINED IN SECTION 24-1-105.

13 **SECTION 122.** In Colorado Revised Statutes, 12-61-703, **amend**
14 (2)(a) as follows:

15 **12-61-703. Board of real estate appraisers - creation -**
16 **compensation - immunity - legislative declaration - repeal of part.**
17 (2) (a) The board ~~shall exercise~~ EXERCISES its powers, ~~and perform its~~
18 duties, and functions under the division as if transferred to the division by
19 a **type 1 transfer**, as defined in the "~~Administrative Organization Act of~~
20 ~~1968~~", article 1 of title 24, C.R.S. ENTITY, AS DEFINED IN SECTION
21 24-1-105.

22 **SECTION 123.** In Colorado Revised Statutes, 12-61-725, **amend**
23 (1) introductory portion as follows:

24 **12-61-725. Conservation easement oversight commission -**
25 **created - repeal.** (1) There is ~~hereby~~ created in the division a
26 conservation easement oversight commission. The commission ~~shall~~
27 ~~exercise~~ EXERCISES its powers, ~~and perform its~~ duties, and functions

1 under the division as if transferred thereto by a **type 2** transfer, as defined
2 in the "~~Administrative Organization Act of 1968~~", article 1 of title 24,
3 ~~C.R.S.~~ ENTITY, AS DEFINED IN SECTION 24-1-105. The commission
4 consists of nine members as follows:

5 **SECTION 124.** In Colorado Revised Statutes, 12-61-902.5,
6 **amend** (2)(a) as follows:

7 **12-61-902.5. Board of mortgage loan originators - creation -**
8 **compensation - enforcement of part after board creation - immunity.**

9 (2) (a) The board ~~shall exercise~~ EXERCISES its powers, ~~and perform its~~
10 duties, and functions under the department of regulatory agencies as if
11 transferred to the department by a **type 1** transfer, as such transfer is
12 defined in the "~~Administrative Organization Act of 1968~~", article 1 of title
13 24, ~~C.R.S.~~ ENTITY, AS DEFINED IN SECTION 24-1-105.

14 **SECTION 125.** In Colorado Revised Statutes, 12-64-105, **add**
15 (1.5) as follows:

16 **12-64-105. State board of veterinary medicine - creation -**
17 **powers.** (1.5) THE STATE BOARD OF VETERINARY MEDICINE EXERCISES
18 ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN
19 SECTION 24-1-105.

20 **SECTION 126.** In Colorado Revised Statutes, 25-5-703, **amend**
21 (1) as follows:

22 **25-5-703. Passenger tramway safety board - composition -**
23 **termination.** (1) There is hereby created **IN THE DEPARTMENT OF**
24 **REGULATORY AGENCIES AND ALLOCATED TO THE DIVISION OF**
25 **PROFESSIONS AND OCCUPATIONS PURSUANT TO SECTION 24-1-122 (3)(q)**
26 a passenger tramway safety board of six appointive members and one
27 member designated by the United States forest service. THE PASSENGER

1 TRAMWAY SAFETY BOARD EXERCISES ITS POWERS, DUTIES, AND
2 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. The
3 appointive members ~~shall be~~ ARE appointed by the governor from persons
4 representing the following interests: Two members to represent the
5 industry or area operators; two members to represent the public at large;
6 one member who is a licensed professional engineer not employed by a
7 ski area or related industry; and one member familiar with or experienced
8 in the tramway industry who may represent the passenger tramway
9 manufacturing or design industry or an area operator. ~~No person shall be~~
10 ~~so appointed or designated except those~~ THE GOVERNOR AND THE UNITED
11 STATES FOREST SERVICE SHALL ONLY APPOINT OR DESIGNATE MEMBERS
12 who, by reason of knowledge or experience, ~~shall be deemed to be~~ ARE
13 qualified. Such knowledge or experience ~~shall~~ MUST be either from active
14 and relevant involvement in the design, manufacture, or operation of
15 passenger tramways or as a result of extensive and relevant involvement
16 in related activities. The governor, in making ~~such~~ THE appointments,
17 shall consider recommendations made to him or her by the membership
18 of the particular interest from which the appointments are to be made.
19 ~~<{~~*Note: Part 7 of article 5 of title 25 doesn't currently mention that the*
20 *passenger tramway safety board is in DORA - this is added above.*~~>~~

21 **SECTION 127.** In Colorado Revised Statutes, 24-34-302, **amend**
22 (1) as follows:

23 **24-34-302. Civil rights division - director - powers and duties.**

24 (1) There is ~~hereby~~ created ~~within~~ IN the department of regulatory
25 agencies a division of state government ~~to be known and~~ designated as
26 the Colorado civil rights division, the head of which ~~shall be~~ IS the
27 director of the Colorado civil rights division. The director ~~shall be~~ IS

1 appointed by the executive director of the department of regulatory
2 agencies pursuant to section 13 of article XII of the state constitution, and
3 the executive director shall give good faith consideration to the
4 recommendations of the commission prior to making the appointment.
5 THE COLORADO CIVIL RIGHTS DIVISION AND THE DIRECTOR OF THE
6 COLORADO CIVIL RIGHTS DIVISION EXERCISE THEIR POWERS, DUTIES, AND
7 FUNCTIONS AS **TYPE 1** ENTITIES, AS DEFINED IN SECTION 24-1-105.

8 **SECTION 128.** In Colorado Revised Statutes, 24-34-303, **amend**
9 (1) as follows:

10 **24-34-303. Civil rights commission - membership.** (1) There
11 is ~~hereby~~ created ~~within~~ IN the division the Colorado civil rights
12 commission. THE COMMISSION EXERCISES ITS POWERS, DUTIES, AND
13 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. The
14 commission ~~shall consist~~ CONSISTS of seven members, who ~~shall be~~ ARE
15 appointed by the governor, with the consent of the senate, for terms of
16 four years. The governor shall make appointments in such a manner that
17 there are at all times two members of the commission representing the
18 business community, at least one of whom ~~shall be~~ IS a representative of
19 small business; two members of the commission representing state or
20 local government entities; and three members of the commission from the
21 community at large. The membership of the commission ~~shall~~ MUST at all
22 times be comprised of at least four members who are members of groups
23 of people who have been or who might be discriminated against because
24 of disability, race, creed, color, sex, sexual orientation, national origin,
25 ancestry, marital status, religion, or age. Appointments ~~shall~~ MUST be
26 made to provide geographical area representation insofar as may be
27 practicable, and no more than four members ~~shall~~ MAY belong to the same

1 political party.

2 **SECTION 129.** In Colorado Revised Statutes, 40-2-101, **amend**
3 (1) as follows:

4 **40-2-101. Creation - appointment - term - subject to**
5 **termination - repeal of article.** (1) (a) A public utilities commission is
6 ~~hereby~~ created IN THE DEPARTMENT OF REGULATORY AGENCIES, which
7 ~~shall be~~ IS known as the public utilities commission of the state of
8 Colorado. ~~to consist~~ THE PUBLIC UTILITIES COMMISSION EXERCISES ITS
9 POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN
10 SECTION 24-1-105 AND CONSISTENT WITH SECTION 40-2-103 (1).<*DORA:*
11 *Section 40-2-103 (1) mentions the type 1 transfer of the PUC in the*
12 *context of the director's powers*>

13 (b) THE PUBLIC UTILITIES COMMISSION CONSISTS of three members
14 ~~who shall be~~ appointed by the governor with the consent of the senate.
15 **Persons holding office on July 1, 1993, shall continue to serve in such**
16 **office, but the term of one of these persons shall expire on the Monday**
17 **preceding the second Tuesday of January, 1995, of another, the Monday**
18 **preceding the second Tuesday of January, 1996, and of the third, the**
19 **Monday preceding the second Tuesday of January, 1997, all as the**
20 **governor shall designate; except that such designation shall not result in**
21 **the extension of the term of any member to more than four years'**
22 **duration. Thereafter,** appointments shall be made for terms of four years.
23 <*DORA: Should this language be updated to reflect the staggering of*
24 *appointments, without needing to depend on going back to 1993?*>

25 **SECTION 130.** In Colorado Revised Statutes, 40-6.5-102,
26 **amend** (2)(a) and (3)(a) as follows:

27 **40-6.5-102. Office of consumer counsel - creation -**

1 **appointment - attorney general to represent.** (2) (a) The office of
2 consumer counsel ~~shall exercise~~ EXERCISES its powers, ~~and perform its~~
3 duties, and functions specified in this ~~article~~ ARTICLE 6.5 under the
4 department of regulatory agencies as ~~if the same were transferred to the~~
5 ~~department by a type 1 transfer, as such transfer is defined in the~~
6 ~~"Administrative Organization Act of 1968", article 1 of title 24, C.R.S.~~
7 ENTITY, AS DEFINED IN SECTION 24-1-105.

8 (3) (a) The utility consumers' board ~~which is hereby~~ created AND
9 shall guide the policy of the office of consumer counsel. The board ~~shall~~
10 ~~exercise~~ EXERCISES its powers, ~~and perform its~~ duties, and functions
11 specified in this ~~article~~ ARTICLE 6.5 under the department of regulatory
12 agencies and the executive director of the department of regulatory
13 agencies as ~~if the same were transferred to the department by a type 1~~
14 ~~transfer, as such transfer is defined in the "Administrative Organization~~
15 ~~Act of 1968", article 1 of title 24, C.R.S.~~ ENTITY, AS DEFINED IN SECTION
16 24-1-105.

17 **SECTION 131.** In Colorado Revised Statutes, 24-1-123, **amend**
18 (2), (3), (4) introductory portion, (4)(a), (4)(b), (4)(c), (4)(d), (4)(g)(I),
19 (4)(h), (4)(i), (5), (6), and (7) as follows:

20 **24-1-123. Department of agriculture - creation.** (2) The state
21 agricultural commission, created by article 1 of title 35, ~~C.R.S.~~, ~~and its~~
22 ~~powers, duties, and functions are~~ IS transferred by a **type 1** transfer to the
23 department of agriculture AND EXERCISES ITS POWERS, DUTIES, AND
24 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

25 (3) The state department of agriculture and the office of
26 commissioner of agriculture, created by article 1 of title 35, ~~C.R.S.~~, and
27 their powers, duties, and functions are transferred by a **type 2** transfer to

1 the department of agriculture. <{Dept of Ag: Does this need
2 amending?}>

3 (4) The department of agriculture ~~shall consist~~ CONSISTS of the
4 following divisions:

5 (a) THE division of markets, the head of which ~~shall be~~ IS the
6 director of the division of markets. The division of markets and the office
7 of chief thereof, created by article 1 of title 35, C.R.S., ~~and their powers,~~
8 ~~duties, and functions~~ are transferred by a **type 2** transfer to the department
9 of agriculture as the division of markets AND EXERCISE THEIR POWERS,
10 DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT AS **TYPE 2** ENTITIES, AS
11 DEFINED IN SECTION 24-1-105.

12 (b) THE division of plant industry, the head of which ~~shall be~~ IS
13 the director of the division of plant industry. The division of plant
14 industry and the office of chief thereof, created by article 1 of title 35,
15 C.R.S., ~~and their powers, duties, and functions~~ are transferred by a **type**
16 **2** transfer to the department of agriculture as the division of plant industry
17 AND EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS UNDER THE
18 DEPARTMENT AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105.

19 (c) (I) THE division of animal industry, the head of which ~~shall be~~
20 IS the director of the division of animal industry. The division of animal
21 industry and the office of chief thereof, created by article 1 of title 35,
22 C.R.S., ~~and their powers, duties, and functions~~ are transferred by a **type**
23 **2** transfer to the department of agriculture as the division of animal
24 industry AND EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS UNDER
25 THE DEPARTMENT AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105.

26 (II) The state bureau of animal protection. ~~created by article 42 of~~
27 ~~title 35. C.R.S., and its powers, duties, and functions are~~ THE STATE

1 BUREAU OF ANIMAL PROTECTION, CREATED BY ARTICLE 42 OF TITLE 35, IS
2 transferred by a **type 2** transfer to the department of agriculture and
3 allocated to the division of animal industry as a section thereof AND
4 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT
5 AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

6 (d) THE division of administrative services, the head of which
7 ~~shall be~~ IS the director of THE administrative services division. The
8 division of administrative services and the office of chief thereof, created
9 by article 1 of title 35, ~~C.R.S., and their powers, duties, and functions~~ are
10 transferred by a **type 2** transfer to the department of agriculture as the
11 division of administrative services AND EXERCISE THEIR POWERS, DUTIES,
12 AND FUNCTIONS UNDER THE DEPARTMENT OF AGRICULTURE AS **TYPE 2**
13 ENTITIES.

14 (g) (I) THE division of brand inspection, the head of which ~~shall~~
15 ~~be~~ IS the brand commissioner. The state board of stock inspection
16 commissioners and the office of brand commissioner, created by article
17 41 of title 35, ~~C.R.S., and their powers, duties, and functions~~ are
18 transferred by a **type 1** transfer to the department of agriculture as a part
19 of the division of brand inspection AND EXERCISE THEIR POWERS, DUTIES,
20 AND FUNCTIONS AS **TYPE 1** ENTITIES, AS DEFINED IN SECTION 24-1-105.

21 (h) (I) The Colorado state fair authority, the head of which ~~shall~~
22 ~~be~~ IS the manager of the Colorado state fair and industrial exposition. The
23 Colorado state fair authority and the office of THE manager of the
24 Colorado state fair and industrial exposition, created by part 4 of article
25 65 of title 35, ~~C.R.S., shall exercise their powers, duties, and functions as~~
26 ~~a division of the department of agriculture as if the same were~~ ARE
27 transferred by a **type 1** transfer to the department of agriculture AS A

1 DIVISION OF THE DEPARTMENT OF AGRICULTURE AND EXERCISE THEIR
2 POWERS, DUTIES, AND FUNCTIONS AS **TYPE 1** ENTITIES.

3 (II) The Colorado state fair authority ~~shall include~~ INCLUDES the
4 board of commissioners of the Colorado state fair authority. ~~created by~~
5 ~~part 4 of article 65 of title 35, C.R.S., which shall exercise its powers and~~
6 ~~perform its duties and functions as specified by law under the department~~
7 ~~of agriculture as a part of the Colorado state fair authority as if the same~~
8 ~~were~~ THE BOARD OF COMMISSIONERS OF THE COLORADO STATE FAIR
9 AUTHORITY, CREATED BY PART 4 OF ARTICLE 65 OF TITLE 35, IS TRANSFERRED
10 BY A **type 1** TRANSFER TO THE DEPARTMENT OF AGRICULTURE AND
11 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS SPECIFIED BY LAW AS
12 A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

13 (i) The **state** conservation board. THE CONSERVATION BOARD,
14 created in article 70 of title 35, C.R.S. ~~All its powers, duties, and~~
15 ~~functions are~~ IS TRANSFERRED BY A **type 1** TRANSFER TO THE DEPARTMENT OF
16 AGRICULTURE AS A DIVISION THEREOF AND EXERCISES ITS POWERS, DUTIES, AND
17 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. The
18 employees of the **state** conservation board appointed pursuant to section
19 35-70-103 (5)(g), C.R.S., are transferred to the department of agriculture
20 by a **type 2** transfer. <{*Dept of Ag: The reason for striking the word*
21 *"state" is that in 2002, the name of this board was changed from the*
22 *state conservation board to the conservation board.*>

23 (5) The Colorado wine industry development board. THE
24 COLORADO WINE INDUSTRY DEVELOPMENT BOARD, created by article 29.5
25 of title 35, C.R.S., ~~and its powers, duties, and functions are~~ IS TRANSFERRED
26 ~~as if~~ BY A **type 1** TRANSFER TO THE DEPARTMENT OF AGRICULTURE AND EXERCISES
27 ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN

1 SECTION 24-1-105.

2 (6) The aquaculture board. THE AQUACULTURE BOARD, created by
3 article 24.5 of title 35, ~~C.R.S., shall exercise its powers and perform its~~
4 ~~duties and functions as specified by law under the department of~~
5 ~~agriculture and~~ INCLUDING the executive director thereof as if the same
6 ~~were~~ OF THE AQUACULTURE BOARD, IS transferred to the department by a
7 **type 2** transfer TO THE DEPARTMENT OF AGRICULTURE AND EXERCISES ITS
8 POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT AS A **TYPE 2**
9 ENTITY, AS DEFINED IN SECTION 24-1-105.

10 (7) The Colorado agricultural value-added development board.
11 THE COLORADO AGRICULTURAL VALUE-ADDED DEVELOPMENT BOARD,
12 created in section 35-75-203, ~~C.R.S., shall exercise its powers and~~
13 ~~perform its duties and functions as specified by law under the department~~
14 ~~as if the same were~~ IS transferred to the department by a **type 1** transfer
15 TO THE DEPARTMENT OF AGRICULTURE AND EXERCISES ITS POWERS,
16 DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION
17 24-1-105.

18 **SECTION 132.** In Colorado Revised Statutes, 35-1-105, **amend**
19 (1)(a) as follows:

20 **35-1-105. State agricultural commission - creation -**
21 **composition.** (1) (a) There is hereby created the state agricultural
22 commission, referred to in this ~~article~~ ARTICLE 35 as the "commission",
23 which ~~shall consist~~ CONSISTS of nine members ~~each of whom shall be~~
24 appointed by the governor, with the consent of the senate, for terms of
25 four years each. Of such members, one member ~~shall~~ MUST be appointed
26 from each of the four agricultural districts, as defined in ~~paragraph (c) of~~
27 ~~this subsection (1)~~ SUBSECTION (1)(c) OF THIS SECTION, and five members

1 ~~shall~~ MUST be appointed from the state at large; except that no more than
2 three members ~~shall~~ MAY be appointed from any one agricultural district.
3 No more than five of the nine members ~~shall~~ MAY be members of the
4 same political party. THE COMMISSION EXERCISES ITS POWERS, DUTIES,
5 AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

6 **SECTION 133.** In Colorado Revised Statutes, **amend** 35-1-108
7 as follows:

8 **35-1-108. Divisions created.** There is ~~hereby~~ created in the
9 department an administrative services division, a division of plant
10 industry, a division of animal industry, a division of markets, and a
11 division of inspection and consumer services. AS OUTLINED IN SECTION
12 24-1-123 (4), THESE DIVISIONS EXERCISE THEIR POWERS, DUTIES, AND
13 FUNCTIONS UNDER THE DEPARTMENT OF AGRICULTURE AS **TYPE 2**
14 ENTITIES, AS DEFINED IN SECTION 24-1-105.

15 **SECTION 134.** In Colorado Revised Statutes, 35-24.5-104,
16 **amend** (6) as follows:

17 **35-24.5-104. Aquaculture board.** (6) The board ~~shall exercise~~
18 EXERCISES its powers, ~~and perform its~~ duties, and functions specified in
19 this ~~article~~ ARTICLE 24.5 under the department and the executive director
20 thereof as ~~if the same were transferred to the department by a type 2~~
21 ~~transfer, as such transfer is defined in the "Administrative Organization~~
22 ~~Act of 1968", article 1 of title 24, C.R.S.~~ ENTITY, AS DEFINED IN SECTION
23 24-1-105.

24 **SECTION 135.** In Colorado Revised Statutes, 35-29.5-103,
25 **amend** (1) as follows:

26 **35-29.5-103. Colorado wine industry development board -**
27 **creation - members.** (1) There is ~~hereby~~ established a Colorado wine

1 industry development board in the department of agriculture for the
2 purpose of encouraging and promoting viticultural and enological
3 research and experimentation to develop maximum yields and quality
4 from Colorado lands suitable to the production of grapes for commercial
5 wine production, to promote the marketing of wines and wine grapes
6 produced in Colorado, to promote the responsible consumption of all
7 wines, to promote the integration of the Colorado wine industry as a
8 component of the state's tourism program, and to serve as a resource for
9 the entire wine industry of Colorado. The board ~~shall exercise~~ EXERCISES
10 its powers, ~~and perform its~~ duties, and functions specified by this article
11 ARTICLE 29.5 under the department of agriculture as ~~if the same were~~
12 ~~transferred to the department by a type 1 transfer, as such transfer is~~
13 ~~defined in the "Administrative Organization Act of 1968", article 1 of title~~
14 ~~24, C.R.S.~~ ENTITY, AS DEFINED IN SECTION 24-1-105.

15 **SECTION 136.** In Colorado Revised Statutes, 35-41-101, **amend**
16 (1) and (4) as follows:

17 **35-41-101. State board of stock inspection commissioners -**
18 **creation - brand commissioner - enterprise - bonds.** (1) There is
19 created a state board of stock inspection commissioners, composed of five
20 commissioners who ~~shall be~~ ARE appointed by the governor, WITH THE
21 CONSENT OF THE SENATE, all of whom ~~shall~~ MUST be actively engaged in
22 the production or feeding of cattle, horses, or sheep. ~~with the consent of~~
23 ~~the senate.~~ Two of the members ~~shall~~ MUST represent the nonconfinement
24 cattle industry; two of the members ~~shall~~ MUST represent the confinement
25 cattle industry; and one ~~shall~~ MUST have broad general knowledge of the
26 Colorado livestock industry and ~~shall~~ represent the commodity, other than
27 the confinement and nonconfinement cattle industries, with the largest

1 percentage of charged fees. The members of the board ~~shall~~ MUST be
2 appointed in such manner as ~~will at all times~~ TO represent as nearly as
3 possible all sections of the state wherein livestock is a major activity, but
4 at no time ~~shall~~ MAY any two members be residents of the same particular
5 section of the state. The term of office of ~~said~~ THE commissioners ~~shall~~
6 ~~be for a period of~~ IS four years. Persons holding office on June 15, 1987,
7 are subject to the provisions of section 24-1-137. ~~C.R.S.~~ Members may
8 be removed for cause by the governor. They ~~shall~~ serve without
9 compensation except for actual and necessary traveling expenses. The
10 board shall meet monthly unless, in case of emergency, a special meeting
11 is deemed advisable. THE STATE BOARD OF STOCK INSPECTION
12 COMMISSIONERS EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A
13 **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

14 (4) The state board of stock inspection commissioners and the
15 office of brand commissioner created by this section ~~shall comprise a part~~
16 ~~of~~ ARE ALLOCATED TO the division of brand inspection in the department
17 of agriculture. THE STATE BOARD OF STOCK INSPECTION COMMISSIONERS
18 AND THE OFFICE OF BRAND COMMISSIONER EXERCISE THEIR POWERS,
19 DUTIES, AND FUNCTIONS AS **TYPE 1** ENTITIES, AS DEFINED IN SECTION
20 24-1-105.

21 **SECTION 137.** In Colorado Revised Statutes, **amend** 35-42-105
22 as follows:

23 **35-42-105. State bureau of animal protection - creation.** There
24 is ~~hereby~~ created IN THE DEPARTMENT OF AGRICULTURE AND ALLOCATED
25 TO THE DIVISION OF ANIMAL INDUSTRY AS A SECTION OF THE DIVISION the
26 state bureau of animal protection, referred to in this ~~article~~ ARTICLE 42 as
27 the "bureau". THE BUREAU EXERCISES ITS POWERS, DUTIES, AND

1 FUNCTIONS UNDER THE DEPARTMENT OF AGRICULTURE AS A **TYPE 2**
2 ENTITY, AS DEFINED IN SECTION 24-1-105.

3 **SECTION 138.** In Colorado Revised Statutes, 35-65-401, **amend**
4 (1)(a) and (2) as follows:

5 **35-65-401. Colorado state fair authority - creation - board -**
6 **powers and duties.** (1) (a) ~~The Colorado state fair authority, as it existed~~
7 ~~prior to June 30, 1997, is abolished.~~ There is hereby created the Colorado
8 state fair authority ~~which is created within~~ IN the department of
9 agriculture as a division thereof. The Colorado state fair authority ~~shall~~
10 ~~exercise~~ EXERCISES its powers, duties, and functions under the department
11 of agriculture as ~~if it were transferred to said department by a type 1~~
12 ~~transfer under the provisions of the "Administrative Organization Act of~~
13 ~~1968"~~ ENTITY, AS DEFINED IN SECTION 24-1-105.

14 (2) (a) ~~On June 30, 1997, the existing board of commissioners of~~
15 ~~the Colorado state fair authority is abolished, and the terms of the~~
16 ~~members of the board then serving are terminated.~~

17 (b) ~~There is hereby created~~ The board of commissioners of the
18 Colorado state fair authority ~~which shall have~~ CREATED BY THIS SECTION
19 CONSISTS OF eleven members, ten of whom ~~shall be~~ ARE appointed by the
20 governor with the consent of the senate and one who ~~shall be~~ IS the
21 commissioner of agriculture or his or her designee. At no time ~~shall~~ MAY
22 more than six members of the board be affiliated with the same political
23 party as the governor. **Within thirty days after June 30, 1997, The**
24 **governor shall appoint the initial members of the board. The governor**
25 **may appoint, as a member of the board, any person who was a member**
26 **of the board prior to its termination.** <{*Dept. of Ag: Can we strike the*

27 *last two sentences?*}>

1 <{Dept. of Ag: Is there a possibility that section 35-65-404 could
2 be cleaned up or repealed? It transfers property, in 1997, from the
3 former Colorado state fair authority to the current Colorado state fair
4 authority and also deals with pre-1997 suits, actions, or other judicial
5 or administrative proceedings concerning the previous Colorado state
6 fair authority.}>

7 **SECTION 139.** In Colorado Revised Statutes, 35-65-403, **amend**
8 (2) as follows:

9 **35-65-403. Office of manager of the Colorado state fair**
10 **authority - creation.** (2) The manager ~~shall be~~ IS the chief
11 administrative head of the Colorado state fair authority under the
12 direction and supervision of the board; ~~and shall have~~ HAS general
13 supervision and control of all activities, functions, and employees of the
14 Colorado state fair authority; ~~and shall exercise~~ EXERCISES all necessary
15 powers incident thereto. The manager ~~shall exercise~~ EXERCISES all the
16 powers and functions of the board in the interim of its meetings and ~~shall~~
17 ~~perform such~~ PERFORMS other duties as ~~may be~~ prescribed by the board
18 or by law. THE OFFICE OF MANAGER EXERCISES ITS POWERS, DUTIES, AND
19 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

20 **SECTION 140.** In Colorado Revised Statutes, **amend**
21 35-70-102.5 as follows:

22 <{Dept of Agriculture: Please study sections 35-70-102.5 and
23 35-70-103 (1)(a). In section 35-70-102.5 it says the name of the board
24 will change from the state conservation board to conservation board,
25 but then in section 35-70-103 (1)(a), that was not changed and in that
26 section it is referred to as the "state board". Here is a list of the sections
27 that reference "state board": 35-70-103 (1)(b), (1)(c), (1)(d), (1)(e), (2),

1 (3)(a), (3)(b), (4), (5)IP, (5)(b), (5)(e), (5)(g), (5)(h), (6)IP, (6)(b), (6)(e),
 2 (6)(h); 35-70-104 (1); 35-70-105 (1)IP, (1)(c), (1)(d), (2), (3), (4), (5)(a),
 3 (5)(b), (5)(d), (5)(e)I, (7)(a), (7)(b); 35-70-106; 35-70-107 (1)(a)II);
 4 35-70-109 (2)(c); 35-70-110 (1), (2), (3), (6); 35-70-115 (2), (3), (8)(a),
 5 (8)(b); 35-70-118 (1), (2), (3)(a), (3)(b), (4)(a), (4)(b), (5)(a), (5)(b),
 6 (5)(c); and 35-70-119 (1)(a), (1)(b), and (1)(c). How should this be
 7 reconciled? Note also in this section that things were changed by
 8 amendment with a transfer but nothing was abolished using a type 3
 9 transfer.}>

10 **35-70-102.5. Legislative declaration - change of name -**
 11 **continuity of existence.** (1) The general assembly hereby finds and
 12 declares that:

13 (a) Upon creation in this ~~article~~ ARTICLE 70, the name "soil
 14 conservation district" best reflected the activities of such districts
 15 throughout this state;

16 (b) To better reflect the current activities of the soil conservation
 17 districts in this state, each such district should be referred to as a
 18 "conservation district"; and

19 (c) **The name of the state board governing all such districts should**
 20 **accordingly be changed from the "soil conservation board" to the**
 21 **"conservation board".**

22 (2) (a) On and after July 1, 2002, the **conservation board** shall
 23 execute, administer, perform, and enforce the rights, powers, duties,
 24 functions, and obligations vested in the soil conservation board prior to
 25 July 1, 2002, and all employees of the soil conservation board ~~shall be~~
 26 ARE transferred to the conservation board and shall become employees
 27 thereof. Such employees ~~shall~~ retain all rights to the state personnel

1 system and retirement benefits under the laws of this state, and their
2 services ~~shall be~~ ARE deemed to have been continuous. All transfers and
3 any abolishment of positions in the state personnel system ~~shall~~ MUST be
4 made and processed in accordance with state personnel system laws and
5 rules. ~~and regulations.~~

6 (b) On July 1, 2002, all items of property, real and personal,
7 including office furniture and fixtures, books, documents, and records of
8 the soil conservation board are transferred to the conservation board and
9 ~~shall~~ become the property thereof. <*Dept of Ag: Can this be*
10 *repealed?*>

11 (c) Whenever the soil conservation board is referred to or
12 designated by any contract or other document, such reference or
13 designation ~~shall be~~ IS deemed to apply to the conservation board. All
14 contracts entered into by the soil conservation board prior to July 1, 2002,
15 are ~~hereby~~ validated, with the conservation board succeeding to all the
16 rights and obligations of such contracts. Any appropriations of funds from
17 prior fiscal years open to satisfy obligations incurred under such contracts
18 are ~~hereby~~ transferred and appropriated to the conservation board for the
19 payment of such obligations. <*Dept of Ag: Can this be repealed? The*
20 *only references to "soil conservation board" are in this section*>

21 (d) Each soil conservation district duly organized pursuant to this
22 ~~article~~ ARTICLE 70 prior to July 1, 2002, is ~~hereby~~ recognized as a duly
23 organized conservation district, and its existence ~~shall be deemed to have~~
24 ~~been~~ IS continuous. Whenever a soil conservation district is referred to or
25 designated by any contract or other document, such reference or
26 designation ~~shall be deemed to apply~~ APPLIES to the conservation district.
27 All contracts entered into by such soil conservation district prior to July

1 1, 2002, are hereby validated, with the conservation district succeeding
2 to all the rights and obligations of such contracts.

3 (3) ~~On and after July 1, 2002, when any provision of the Colorado~~
4 ~~Revised Statutes refers to the soil conservation board or to a soil~~
5 ~~conservation district, said law shall be construed as referring to the~~
6 ~~conservation board or to a conservation district, respectively. The revisor~~
7 ~~of statutes is authorized to change all references in the Colorado Revised~~
8 ~~Statutes to the soil conservation board and to soil conservation districts~~
9 ~~to refer to the conservation board and conservation districts. <{Dept of~~
10 ~~*Ag: Can this be repealed because the old names are gone?*>~~

11 **SECTION 141.** In Colorado Revised Statutes, 35-70-103, **amend**
12 (1)(a) introductory portion as follows:

13 **35-70-103. State conservation board - composition - powers.**

14 (1) (a) There is hereby created in the department of agriculture the **state**
15 **conservation board, referred to in this article ARTICLE 70 as the "state**
16 **board",** which ~~shall consist~~ CONSISTS of nine members. THE **STATE BOARD**
17 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS
18 DEFINED IN SECTION 24-1-105. One member ~~shall~~ OF THE STATE BOARD
19 MUST be a qualified elector of the state appointed by the governor from
20 the state at large for a term commencing January 1, 1974. The remaining
21 eight positions on the state board ~~shall be~~ ARE filled by elections held
22 within the areas described in this section. The boards of supervisors of
23 local conservation districts within each such area shall elect the number
24 of members specified in this subsection (1) between November 1 and
25 December 31 in 1973 for terms commencing January 1, 1974, and within
26 such dates in succeeding years as necessary to fill expiring terms. A
27 candidate ~~shall~~ MUST be or ~~shall~~ have been an elected supervisor of a

1 local conservation district. The number of members to be elected and the
2 areas from which they are to be elected are as follows:

3 **SECTION 142.** In Colorado Revised Statutes, 35-75-203, **amend**
4 (1) as follows:

5 **35-75-203. Colorado agricultural value-added development**
6 **board - creation - members.** (1) There is ~~hereby~~ created ~~within~~ IN the
7 department the Colorado agricultural value-added development board for
8 the purpose of encouraging and promoting agricultural business projects
9 that add value to agricultural products and aid the economies of rural
10 communities. THE COLORADO AGRICULTURAL VALUE-ADDED
11 DEVELOPMENT BOARD EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS
12 A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

13 **SECTION 143.** In Colorado Revised Statutes, 24-1-124, **amend**
14 (2), (2.1) introductory portion, (2.1)(a), (2.1)(c), (3)(a), (3)(b), (3)(d),
15 (3)(e) introductory portion, (3)(e)(I), (3)(e)(II), (3)(e)(III), (3)(f), (3)(j),
16 (3)(k), (4) introductory portion, (4)(a), (4)(b), (4)(c), and (4)(d) as
17 follows:

18 **24-1-124. Department of natural resources - creation -**
19 **divisions.** (2) The office of natural resources coordinator, created by
20 article 33 of this ~~title, and its powers, duties, and functions are~~ TITLE 24,
21 IS transferred by a **type 2** transfer to the department of natural resources
22 AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE
23 DEPARTMENT OF NATURAL RESOURCES AS A **TYPE 2** ENTITY, AS DEFINED
24 IN SECTION 24-1-105.

25 (2.1) The department of natural resources ~~shall include~~ INCLUDES,
26 as a part of the office of the executive director:

27 (a) The office of commissioner of mines, created by section 1 of

1 article XVI of the state constitution, ~~Its powers, duties, and functions are~~
2 WHICH IS transferred by a **type 2** transfer to the office of the executive
3 director of the department of natural resources AND EXERCISES ITS
4 POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF NATURAL
5 RESOURCES AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

6 <{*DNR: Does this need amending? Section 24-1-1024 (1), says that the*
7 *head of the department of natural resources is the commissioner of*
8 *mines.*>

9 (c) The Colorado avalanche information center, created pursuant
10 to section 24-33-116, ~~The powers, duties, and functions are~~ WHICH IS
11 transferred by a **type 2** transfer to the department of natural resources,
12 ~~and~~ IS allocated to the office of the executive director, AND EXERCISES ITS
13 POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF NATURAL
14 RESOURCES AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

15 (3) The department of natural resources consists of the following
16 divisions:

17 (a) THE division of water resources, the head of which ~~shall be~~ IS
18 the state engineer, AS MORE FULLY DESCRIBED IN SUBSECTION (4) OF THIS
19 SECTION; <{*DNR: There is no type stated anywhere for the division of*
20 *water resources. Should it be a type 1 or type 2 entity? How does it*
21 *function now? Or is it ok to be silent because everything under it as*
22 *listed in subsection (4) already has a type?*>

23 (b) The Colorado water conservation board and the office of
24 director thereof, created by article 60 of title 37, C.R.S. ~~Their powers,~~
25 ~~duties, and functions~~ WHICH are transferred by a **type 1** transfer to the
26 department of natural resources as a division thereof AND EXERCISE THEIR
27 POWERS, DUTIES, AND FUNCTIONS AS **TYPE 1** ENTITIES, AS DEFINED IN

1 SECTION 24-1-105.

2 (d) The state board of land commissioners, created by section 9 of
3 article IX of the state constitution, ~~its powers, duties, and functions are~~
4 WHICH IS transferred by a **type 1** transfer to the department of natural
5 resources as a division thereof, subject to the state constitution, AND
6 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS
7 DEFINED IN SECTION 24-1-105.

8 (e) The division of reclamation, mining, and safety, created by
9 section 34-20-103, ~~C.R.S.~~, the head of which ~~shall be~~ IS the director of the
10 division of reclamation, mining, and safety, under the supervision of the
11 executive director of the department of natural resources. ~~Said~~ THE
12 division and ITS director ~~shall exercise their powers, duties, and functions~~
13 ~~as prescribed by law under the department of natural resources and the~~
14 ~~executive director thereof as if the same were~~ ARE transferred to the
15 **department** by a **type 2** transfer TO THE DEPARTMENT OF NATURAL
16 RESOURCES AND EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS UNDER
17 THE DEPARTMENT OF NATURAL RESOURCES AS **TYPE 2** ENTITIES, AS
18 DEFINED IN SECTION 24-1-105. The division of reclamation, mining, and
19 safety ~~shall include~~ INCLUDES the following:

20 (I) The coal mine board of examiners, created by article 22 of title
21 34. ~~C.R.S. Its powers, duties, and functions are~~ THE COAL MINE BOARD OF
22 EXAMINERS IS transferred by a **type 2** transfer to the department of natural
23 resources as a section of the division of reclamation, mining, and safety
24 AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE
25 DEPARTMENT OF NATURAL RESOURCES AS A **TYPE 2** ENTITY, AS DEFINED
26 IN SECTION 24-1-105.

27 (II) The mined land reclamation board and the office of mined

1 land reclamation, created by article 32 of title 34. ~~C.R.S.~~ The mined land
2 reclamation board ~~and its powers, duties, and functions are~~ IS transferred
3 by a **type 1** transfer to the department of natural resources, ~~and~~ IS
4 allocated to the division of reclamation, mining, and safety, AND
5 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS
6 DEFINED IN SECTION 24-1-105. The office of mined land reclamation ~~shall~~
7 ~~exercise its powers, duties, and functions as if the same were~~ IS
8 transferred to the ~~department of natural resources and allocated to the~~
9 ~~division of reclamation, mining, and safety as a section thereof~~ by a **type**
10 **2** transfer TO THE DEPARTMENT OF NATURAL RESOURCES, IS ALLOCATED
11 TO THE DIVISION OF RECLAMATION, MINING, AND SAFETY AS A SECTION
12 THEREOF, AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER
13 THE DEPARTMENT OF NATURAL RESOURCES AS A **TYPE 2** ENTITY, AS
14 DEFINED IN SECTION 24-1-105.

15 (III) The office of active and inactive mines, created by article 21
16 of title 34. ~~C.R.S.~~ ~~Said~~ THE office ~~shall exercise its powers, duties, and~~
17 ~~functions as prescribed by law under the division of reclamation, mining,~~
18 ~~and safety as if the same were~~ IS transferred to the ~~department of natural~~
19 ~~resources and allocated to the division of reclamation, mining, and safety~~
20 ~~as a section thereof~~ by a **type 2** transfer TO THE DEPARTMENT OF NATURAL
21 RESOURCES, IS ALLOCATED TO THE DIVISION OF RECLAMATION, MINING,
22 AND SAFETY AS A SECTION THEREOF, AND EXERCISES ITS POWERS, DUTIES,
23 AND FUNCTIONS AS PRESCRIBED BY LAW UNDER THE DIVISION OF
24 RECLAMATION, MINING, AND SAFETY AS A **TYPE 2** ENTITY, AS DEFINED IN
25 SECTION 24-1-105.

26 (f) The oil and gas conservation commission of the state of
27 Colorado and the office of the director thereof, created by article 60 of

1 title 34. ~~C.R.S. Said~~ THE commission and office ~~and the powers, duties,~~
2 ~~and functions thereof~~ are transferred by a **type 1** transfer to the
3 department of natural resources as a division thereof ~~AND EXERCISE THEIR~~
4 ~~POWERS, DUTIES, AND FUNCTIONS AS~~ **TYPE 1** ENTITIES, AS DEFINED IN
5 SECTION 24-1-105.

6 (j) The division of forestry, created in section 24-33-201 (1), the
7 head of which ~~shall be~~ IS the **state forester**, appointed pursuant to section
8 23-31-207. ~~C.R.S.~~ The division of forestry, ~~and~~ INCLUDING the state
9 forester, ~~shall exercise their powers, duties, and functions as prescribed~~
10 ~~by law under the department of natural resources and the executive~~
11 ~~director thereof as if the same were~~ IS transferred to the department by a
12 **type 2** transfer TO THE DEPARTMENT OF NATURAL RESOURCES AND
13 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT
14 OF NATURAL RESOURCES AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
15 24-1-105.

16 <{***In what department is the division of forestry? 24-1-124 (3)(j) has it***
17 ***in DNR but it cross references to 23-31-201, which says in 23-31-201***
18 ***(2)(a) that the forestry functions of the board of governors of CSU were***
19 ***transferred to the wildland fire management section in the division of***
20 ***fire prevention and control in DPS created in section 24-33.5-1201;***
21 ***meanwhile 24-33-201 division of forestry says it's in DNR; this needs***
22 ***input from DPS, DNR, and CSU.***>

23 (k) (I) (A) The parks and wildlife commission, created in article
24 9 of title 33. ~~C.R.S.~~ The powers, duties, and functions of the wildlife
25 commission and the board of parks and outdoor recreation are transferred
26 by a **type 1** transfer to the **RENAMED** parks and wildlife commission IN
27 THE DEPARTMENT OF NATURAL RESOURCES. ~~as~~ THE PARKS AND WILDLIFE

1 COMMISSION EXERCISES ITS powers, duties, and functions of the parks and
2 ~~wildlife commission~~ AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION
3 24-1-105.

4 (B) The parks and wildlife commission includes, as an advisory
5 council, the Colorado natural areas council created by article 33 of title
6 33. ~~C.R.S.~~ <{*Dept of Ag: What is this council? Why type?*}>

7 (II) (A) The division of parks and wildlife, the head of which is
8 the director of the division of parks and wildlife, CREATED IN SECTION
9 33-9-104. The division of parks and wildlife and the office of the director
10 of the division of parks and wildlife are transferred by a **type 1** transfer
11 to the department of natural resources AND EXERCISE THEIR POWERS,
12 DUTIES, AND FUNCTIONS AS **TYPE 1** ENTITIES, AS DEFINED IN SECTION
13 24-1-105.

14 (B) The division of parks and wildlife includes the fish health
15 board created by article 5.5 of title 33. ~~C.R.S.~~ The fish health board ~~shall~~
16 ~~exercise its powers and perform its duties and functions as specified by~~
17 ~~law under the department of natural resources and the executive director~~
18 ~~of the department of natural resources as if the same were~~ IS transferred
19 ~~to the department~~ by a **type 2** transfer TO THE DEPARTMENT OF NATURAL
20 RESOURCES AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER
21 THE DEPARTMENT OF NATURAL RESOURCES AS A **TYPE 2** ENTITY, AS
22 DEFINED IN SECTION 24-1-105.

23 (4) The division of water resources ~~shall include~~ INCLUDES the
24 following:

25 (a) The office of THE state engineer, created by article 80 of title
26 37. ~~C.R.S. Said~~ THE office and its powers, duties, and functions are OF
27 THE STATE ENGINEER IS transferred by a **type 1** transfer to the department

1 of natural resources, ~~and~~ IS allocated to the division of water resources as
2 a section thereof, AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS
3 A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

4 (b) The division engineers, created by part 2 of article 92 of title
5 ~~37. C.R.S. Said~~ THE DIVISION engineers ~~and their powers, duties, and~~
6 ~~functions~~ are transferred by a **type 1** transfer to the department of natural
7 resources, ~~and~~ ARE allocated to the division of water resources as a
8 section thereof, AND EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS AS
9 **TYPE 1** ENTITIES, AS DEFINED IN SECTION 24-1-105.

10 (c) The ground water commission, created by article 90 of title 37.
11 ~~C.R.S. Said~~ THE commission ~~and its powers, duties, and functions are~~ IS
12 transferred TO THE DEPARTMENT OF NATURAL RESOURCES by a **type 1**
13 transfer to the department of natural resources, ~~and~~ IS allocated to the
14 division of water resources as a section thereof, AND EXERCISES ITS
15 POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN
16 SECTION 24-1-105.

17 (d) The state board of examiners of water well construction and
18 pump installation contractors, created by article 91 of title 37. ~~C.R.S. Said~~
19 THE board ~~and its powers, duties, and functions are~~ IS transferred by a
20 **type 1** transfer to the department of natural resources, ~~and~~ IS allocated to
21 the division of water resources as a section thereof, AND EXERCISES ITS
22 POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN
23 SECTION 24-1-105.

24 **SECTION 144.** In Colorado Revised Statutes, 24-33-116, **amend**
25 (1) as follows:

26 **24-33-116. Colorado avalanche information center - creation**
27 **- duties - fund.** (1) There is ~~hereby~~ created in the department of natural

1 resources AND ALLOCATED TO THE OFFICE OF THE EXECUTIVE DIRECTOR
2 OF THE DEPARTMENT the Colorado avalanche information center to
3 promote safety by reducing the impact of avalanches on recreation,
4 industry, and transportation in the state through a program of avalanche
5 forecasting and education. THE COLORADO AVALANCHE INFORMATION
6 CENTER EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE
7 DEPARTMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

8 **SECTION 145.** In Colorado Revised Statutes, 33-5.5-101,
9 **amend** (6) as follows:

10 **33-5.5-101. Fish health board - created.** (6) The fish health
11 board ~~shall exercise~~ EXERCISES its powers, ~~and perform its~~ duties, and
12 functions specified in this ~~article~~ ARTICLE 5.5 under the department and
13 the executive director ~~thereof as if the same were transferred to the~~
14 ~~department by~~ AS a **type 2** transfer, as such transfer is defined in the
15 "~~Administrative Organization Act of 1968~~", article 1 of title 24, C.R.S.
16 ENTITY, AS DEFINED IN SECTION 24-1-105.

17 **SECTION 146.** In Colorado Revised Statutes, 33-9-104, **amend**
18 (2) as follows:

19 **33-9-104. Division - creation - duties.** (2) The division ~~shall~~
20 ~~exercise~~ EXERCISES its powers, ~~and perform its~~ duties, and functions
21 specified in this ~~title~~ TITLE 33 under the department of natural resources
22 and the executive director thereof as ~~if the same were transferred to the~~
23 ~~department by~~ a **type 1** transfer as defined in the "~~Administrative~~
24 ~~Organization Act of 1968~~", article 1 of title 24, C.R.S. ENTITY, AS
25 DEFINED IN SECTION 24-1-105. The division has all the powers, duties,
26 obligations, and functions previously exercised by the division of wildlife
27 or the division of parks and outdoor recreation, as those divisions existed

1 on June 30, 2011.

2 **SECTION 147.** In Colorado Revised Statutes, 33-20-103, **amend**
3 (1) as follows:

4 **34-20-103. Division of reclamation, mining, and safety -**
5 **creation - powers and duties - transfer of functions and property -**
6 **change of statutory references.** (1) There is ~~hereby~~ created the division
7 of reclamation, mining, and safety in the department of natural resources.
8 Pursuant to section 13 of article XII of the state constitution, the
9 executive director of the department of natural resources shall appoint the
10 director of the division of reclamation, mining, and safety, and the
11 director shall appoint such employees as are necessary to carry out the
12 duties and exercise the powers conferred by law upon the division and the
13 director. Appointing authority for such employees may be delegated by
14 the director to the heads of the offices in the division as appropriate. THE
15 DIVISION OF RECLAMATION, MINING, AND SAFETY EXERCISES ITS POWERS,
16 DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF NATURAL
17 RESOURCES AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

18 **SECTION 148.** In Colorado Revised Statutes, 34-21-101, **amend**
19 (1) introductory portion as follows:

20 **34-21-101. Office of active and inactive mines - creation -**
21 **duties.** (1) There is ~~hereby~~ created in the division of reclamation, mining,
22 and safety in the department of natural resources the office of active and
23 inactive mines, the head of which ~~shall be~~ IS appointed by the director of
24 the division. THE OFFICE EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS
25 UNDER THE DEPARTMENT OF NATURAL RESOURCES AS A **TYPE 2** ENTITY,
26 AS DEFINED IN SECTION 24-1-105. The office ~~shall have~~ HAS the following
27 duties:

1 **SECTION 149.** In Colorado Revised Statutes, 34-22-102, **add** (5)
2 as follows:

3 **34-22-102. Board of examiners - created - duties - members.**

4 (5) THE COAL MINE BOARD OF EXAMINERS EXERCISES ITS POWERS,
5 DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF NATURAL
6 RESOURCES AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

7 **SECTION 150.** In Colorado Revised Statutes, 34-32-105, **amend**
8 (1) and (3) as follows:

9 **34-32-105. Office of mined land reclamation - mined land**
10 **reclamation board - created.** (1) There is ~~hereby~~ created, in the division
11 of reclamation, mining, and safety in the department of natural resources,
12 the office of mined land reclamation and, in the department of natural
13 resources, the mined land reclamation board. The head of the office of
14 mined land reclamation ~~shall be~~ IS appointed by the director. The head of
15 the office of mined land reclamation ~~shall~~ MUST have professional and
16 supervisory experience in mined land reclamation, mining, or natural
17 resource planning and management. THE OFFICE OF MINED LAND
18 RECLAMATION EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER
19 THE DEPARTMENT OF NATURAL RESOURCES AS A **TYPE 2** ENTITY, AS
20 DEFINED IN SECTION 24-1-105.

21 (3) The MINED LAND RECLAMATION board ~~shall exercise~~
22 EXERCISES its powers, ~~and perform its~~ duties, and functions specified in
23 this ~~article~~ ARTICLE 32 under the department as ~~if the same were~~
24 ~~transferred to the department by a type 1 transfer as such transfer is~~
25 ~~defined in the "Administrative Organization Act of 1968", article 1 of title~~
26 ~~24, C.R.S.~~ ENTITY, AS DEFINED IN SECTION 24-1-105.

27 **SECTION 151.** In Colorado Revised Statutes, 34-60-104, **amend**

1 (1) as follows:

2 **34-60-104. Oil and gas conservation commission - report -**
3 **publication.** (1) There is ~~hereby~~ created, in the department of natural
4 resources, the oil and gas conservation commission of the state of
5 Colorado. THE OIL AND GAS CONSERVATION COMMISSION EXERCISES ITS
6 POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN
7 SECTION 24-1-105.

8 **SECTION 152.** In Colorado Revised Statutes, 34-60-104.5,
9 **amend** (1) as follows:

10 **34-60-104.5. Director of commission - duties.** (1) Pursuant to
11 section 13 of article XII of the state constitution, the executive director of
12 the department of natural resources shall appoint a director of the
13 commission who ~~shall~~ MUST possess such qualifications as may be
14 established by the executive director, the commission, and the state
15 personnel board. THE DIRECTOR OF THE COMMISSION EXERCISES HIS OR
16 HER POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN
17 SECTION 24-1-105.

18 **SECTION 153.** In Colorado Revised Statutes, **amend** 37-60-102
19 as follows:

20 **37-60-102. Creation.** For the purpose of aiding in the protection
21 and development of the waters of the state AND for the benefit of the
22 present and future inhabitants of the state, there is created a Colorado
23 water conservation board with the powers and duties set out in this ~~article~~.
24 ~~Said~~ ARTICLE 60. THE board is ~~declared to be~~ an agency of the state, and
25 the functions it is to perform, as set out in this ~~article~~ ARTICLE 60, are
26 ~~declared to be~~ governmental functions for the welfare and benefit of the
27 state and its inhabitants. THE COLORADO WATER CONSERVATION BOARD

1 IS A DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES AND
2 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS
3 DEFINED IN SECTION 24-1-105.

4 **SECTION 154.** In Colorado Revised Statutes, **add** 37-80-101.5
5 as follows:

6 **37-80-101.5. Office of the state engineer.** THE OFFICE OF THE
7 STATE ENGINEER IS ALLOCATED TO THE DIVISION OF WATER RESOURCES IN
8 THE DEPARTMENT OF NATURAL RESOURCES AND EXERCISES ITS POWERS,
9 DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION
10 24-1-105.

11 **SECTION 155.** In Colorado Revised Statutes, 37-90-104, **amend**
12 (1) as follows:

13 **37-90-104. Commission - organization - expenses.** (1) There is
14 created a ground water commission to consist of twelve members, nine
15 of whom ~~shall be~~ ARE appointed by the governor and confirmed by the
16 senate. THE GROUND WATER COMMISSION EXERCISES ITS POWERS, DUTIES,
17 AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

18 **SECTION 156.** In Colorado Revised Statutes, 37-91-103, **amend**
19 (1) as follows:

20 **37-91-103. State board of examiners of water well**
21 **construction and pump installation contractors.** (1) There is created,
22 ~~under~~ IN the division of water resources in the department of natural
23 resources, a state board of examiners of water well construction and pump
24 installation contractors, consisting of five members and comprised of the
25 following persons: The state engineer or a representative designated by
26 him OR HER; a representative of the department of health designated by
27 the executive director of the department; and three members appointed by

1 the governor, two of whom ~~shall~~ MUST be well construction contractors
2 or pump installation contractors, each with a minimum of ten years'
3 experience in the well construction or pump installation business
4 preceding his OR HER appointment, and one of whom ~~shall~~ MUST be an
5 engineer or geologist with a minimum of ten years' experience in water
6 supply and well construction preceding his OR HER appointment. THE
7 STATE BOARD OF EXAMINERS OF WATER WELL CONSTRUCTION AND PUMP
8 INSTALLATION CONTRACTORS EXERCISES ITS POWERS, DUTIES, AND
9 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

10 **SECTION 157.** In Colorado Revised Statutes, 37-92-202, **amend**
11 (1)(a) as follows:

12 **37-92-202. Division engineers.** (1) (a) The state engineer, with
13 the approval of the executive director of the department of natural
14 resources, shall appoint one division engineer for each division. THE
15 DIVISION ENGINEERS ARE ALLOCATED TO THE DIVISION OF WATER
16 RESOURCES AS A SECTION OF THE DIVISION. THE DIVISION ENGINEERS
17 EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS AS **TYPE 1** ENTITIES, AS
18 DEFINED IN SECTION 24-1-105. Each division engineer ~~shall~~ MUST be a
19 licensed professional engineer and ~~shall~~ MUST have such additional
20 qualifications as may be specified from time to time by the state engineer.
21 The state engineer, with the approval of said executive director, may
22 employ such assistants and staff members as are necessary to enable each
23 division engineer to carry out his or her duties.

24 **SECTION 158.** In Colorado Revised Statutes, 24-1-125, **amend**
25 (2) introductory portion, (2)(a), (2)(b), (2)(c)(I), (2)(f), (2)(g), (2)(i),
26 (2)(k), (3), and (4); and **add** (10) and (11) as follows:

27 **24-1-125. Department of local affairs - creation.** (2) The

1 department of local affairs ~~shall consist~~ CONSISTS of the following
2 divisions:

3 (a) THE division of local government, the head of which ~~shall be~~
4 IS the director of local government. The division of local government and
5 the office of THE director ~~thereof~~ OF LOCAL GOVERNMENT, created by part
6 1 of article 32 of this ~~title, and their powers, duties, and functions~~ TITLE
7 24, are transferred by a **type 2** transfer to the department of local affairs
8 as the division of local government AND EXERCISE THEIR POWERS, DUTIES,
9 AND FUNCTIONS UNDER THE DEPARTMENT AS **TYPE 2** ENTITIES, AS DEFINED
10 IN SECTION 24-1-105.

11 (b) THE division of property taxation, the head of which ~~shall be~~
12 IS the property tax administrator, CREATED IN SECTION 39-2-101. The
13 rule-making, administrative, and enforcement powers, duties, and
14 functions OF THE DIVISION OF PROPERTY TAXATION, ~~except~~ FOR THOSE
15 POWERS, DUTIES, AND FUNCTIONS OF THE FORMER TAX COMMISSION THAT
16 ARE TRANSFERRED TO THE BOARD OF ASSESSMENT APPEALS as provided
17 in subsection (3) of this section, ~~of the Colorado tax commission~~ are
18 transferred by a **type 1** transfer to the department of local affairs. ~~and said~~
19 ~~powers, duties, and functions shall be exercised or performed by~~ The
20 property tax administrator or the division of property taxation EXERCISES
21 ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN
22 SECTION 24-1-105, AND as ~~is~~ otherwise provided by law.

23 (c) (I) THE division of commerce and development, the head of
24 which ~~shall be~~ IS the director of commerce and development. The division
25 of commerce and development and the office of THE director thereof,
26 created by part 3 of article 32 of this ~~title, and their powers, duties, and~~
27 ~~functions~~ TITLE 24, are transferred by a **type 2** transfer to the department

1 of local affairs as the division of commerce and development AND
2 EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS UNDER THE
3 DEPARTMENT AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105.

4 (f) The division of housing, created by the "Colorado Housing Act
5 of 1970", part 7 of article 32 of this title. ~~Its powers, duties, and functions~~
6 ~~are~~ TITLE 24. THE DIVISION OF HOUSING IS transferred by a **type 1** transfer
7 to the department of local affairs as a division ~~thereof~~ AND EXERCISES ITS
8 POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN
9 SECTION 24-1-105.

10 <{*DOLA: Should the state housing board be added to the AOA?*
11 *-- see section 24-32-706 (1)? If so, should it be a type 2 entity?*>

12 (g) THE division of planning, the head of which ~~shall be~~ IS the
13 director of the division of planning. The division of planning and the
14 office of THE director, ~~thereof~~, created by part 2 of article 32 of this title,
15 ~~and their powers, duties, and functions~~ TITLE 24, are transferred by a **type**
16 **2** transfer to the department of local affairs as a division ~~thereof~~ AND
17 EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS UNDER THE
18 DEPARTMENT AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105.

19 (i) THE office of rural development, the head of which ~~shall be~~ IS
20 the coordinator of rural development. The office of rural development and
21 the position of coordinator of rural development, created by part 8 of
22 article 32 of this title, ~~and their powers, duties, and functions~~ TITLE 24, are
23 transferred by a **type 2** transfer to the department of local affairs AND
24 EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS UNDER THE
25 DEPARTMENT AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105.

26 (k) The office of the Colorado youth service corps, created by part
27 20 of article 32 of this title, ~~shall exercise its powers and perform its~~

1 ~~duties and functions under the department of local affairs as if the same~~
2 ~~were~~ TITLE 24. THE OFFICE OF THE COLORADO YOUTH SERVICE CORPS IS
3 transferred to said department by a **type 2** transfer TO THE DEPARTMENT
4 OF LOCAL AFFAIRS AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS
5 UNDER THE DEPARTMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
6 24-1-105.

7 (3) The board of assessment appeals, created by article 2 of title
8 39, C.R.S., ~~shall be~~ IS vested with the quasi-judicial powers, duties, and
9 functions of the FORMER Colorado tax commission. ~~which~~ THE board
10 ~~shall constitute a part of the department of local affairs, and said board~~ OF
11 ASSESSMENT APPEALS is transferred by a **type 1** transfer to the department
12 of local affairs AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS
13 A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

14 (4) The advisory committee to the property tax administrator,
15 created by article 2 of title 39, C.R.S., ~~shall constitute a part of the~~
16 ~~department of local affairs and shall exercise its powers and perform its~~
17 ~~duties and functions under the department as if it were~~ IS transferred to
18 ~~said department~~ by a **type 1** transfer TO THE DEPARTMENT OF LOCAL
19 AFFAIRS AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE**
20 **1** ENTITY, AS DEFINED IN SECTION 24-1-105.

21 (10) THE OFFICE OF SMART GROWTH, CREATED BY SECTION
22 24-32-3203, IS TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT
23 OF LOCAL AFFAIRS AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS
24 SPECIFIED IN PART 32 OF THIS TITLE 24 UNDER THE DEPARTMENT AS A
25 **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

26 (11) THE OFFICE OF HOMELESS YOUTH SERVICES, CREATED BY
27 SECTION 24-32-723, IS TRANSFERRED BY A **TYPE 2** TRANSFER TO THE

1 DEPARTMENT OF LOCAL AFFAIRS AND EXERCISES ITS POWERS, DUTIES, AND
2 FUNCTIONS SPECIFIED IN SECTION 24-32-723 UNDER THE DEPARTMENT AS
3 A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105. <{***DOLA: The office***
4 ***of homeless youth started out in the department of human services as***
5 ***a type 2 entity, but it was relocated to DOLA without doing a specific***
6 ***transfer and it was not amended out of section 24-1-120 (5)(i). See***
7 ***section 56 of the bill where 24-1-120 (5)(i) is repealed.***>

8 **SECTION 159.** In Colorado Revised Statutes, **amend** 24-32-103
9 as follows:

10 **24-32-103. Division created.** There is hereby created, as a
11 division of the department of local affairs, the division of local
12 government. ~~The division shall be in the charge of a director who shall be~~
13 ~~appointed by the~~ executive director of the department SHALL APPOINT A
14 DIRECTOR TO BE THE HEAD OF THE DIVISION. The director and any
15 assistants and employees of the division ~~shall be~~ ARE appointed pursuant
16 to section 13 of article XII of the state constitution. THE DIVISION AND
17 THE OFFICE OF THE DIRECTOR EXERCISE THEIR POWERS, DUTIES, AND
18 FUNCTIONS UNDER THE DEPARTMENT AS **TYPE 2** ENTITIES, AS DEFINED IN
19 SECTION 24-1-105.

20 **SECTION 160.** In Colorado Revised Statutes, 24-32-202, **amend**
21 (2) as follows:

22 **24-32-202. Division of planning - creation.** (2) The division of
23 planning and the office of the director ~~thereof shall~~ of the DIVISION OF
24 PLANNING exercise their powers, ~~and perform their~~ duties, and functions
25 specified by this part 2 under the department of local affairs and the
26 executive director ~~thereof as if the same were transferred to the~~
27 ~~department by a type 2 transfer, as such transfer is defined in the~~

1 ~~"Administrative Organization Act of 1968", being article 1 of this title~~
2 ENTITIES, AS DEFINED IN SECTION 24-1-105.

3 **SECTION 161.** In Colorado Revised Statutes, 24-32-706, **amend**
4 (1) as follows:

5 **24-32-706. State housing board.** (1) There is ~~hereby~~ created
6 ~~within~~ IN the division of housing the state housing board. The board ~~shall~~
7 ~~consist~~ CONSISTS of seven members who ~~shall be~~ ARE appointed by the
8 governor for terms of four years each, except as provided in subsection
9 (2) of this section. In making appointments to the board, the governor
10 shall include representation by at least one member who is a person with
11 a disability, as defined in section 24-45.5-102 (2), a family member of a
12 person with a disability, or a member of an advocacy group for persons
13 with disabilities. **THE STATE HOUSING BOARD EXERCISES ITS POWERS,**
14 **DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF LOCAL AFFAIRS AS**
15 **A TYPE 2 ENTITY, AS DEFINED IN SECTION 24-1-105.** <{*DOLA: This*
16 *language gives a type 2 status to the housing board. Should this be*
17 *done? It is not in the AOA, should it be added? See section 158 of the*
18 *bill.*>

19 **SECTION 162.** In Colorado Revised Statutes, 24-32-802, **amend**
20 (2) as follows:

21 **24-32-802. Office of rural development created.** (2) The office
22 and the coordinator of rural development ~~shall~~ exercise their powers, ~~and~~
23 ~~perform their~~ duties, and functions specified in this part 8 under the
24 department of local affairs as if ~~the same were transferred to the~~
25 ~~department by a type 2 transfer, as such transfer is defined in the~~
26 ~~"Administrative Organization Act of 1968", article 1 of this title~~ ENTITIES,
27 AS DEFINED IN SECTION 24-1-105.

1 **SECTION 163.** In Colorado Revised Statutes, 24-32-2004,
2 **amend** (2) as follows:

3 **24-32-2004. Colorado youth service corps established -**
4 **director's duties.** (2) The youth service corps ~~shall exercise~~ EXERCISES
5 its powers, ~~and perform its~~ duties, and functions specified in this part 20
6 under the department as ~~if the same were transferred to the department by~~
7 a **type 2 transfer** ~~as such transfer is defined in the "Administrative~~
8 ~~Organization Act of 1968", article 1 of this title~~ ENTITY, AS DEFINED IN
9 SECTION 24-1-105.

10 **SECTION 164.** In Colorado Revised Statutes, 24-32-3203,
11 **amend** (2) as follows:

12 **24-32-3203. Office of smart growth - creation - powers and**
13 **duties of executive director.** (2) The office ~~shall exercise~~ EXERCISES its
14 powers, ~~and perform its~~ duties, and functions specified by this part 32
15 under the department of local affairs and the executive director ~~thereof~~ as
16 ~~if the same were transferred to the department by a type 2 transfer, as~~
17 ~~such transfer is defined in the "Administrative Organization Act of 1968",~~
18 ~~article 1 of this title~~ ENTITY, AS DEFINED IN SECTION 24-1-105.

19 **SECTION 165.** In Colorado Revised Statutes, **amend** 39-2-103
20 as follows:

21 **39-2-103. Exercise of power.** The division of property taxation
22 and the property tax administrator ~~shall~~ exercise their powers, duties, and
23 functions under the department of local affairs as ~~if they were transferred~~
24 ~~to said department by a type 1 transfer under the provisions of the~~
25 ~~"Administrative Organization Act of 1968"~~ ENTITIES, AS DEFINED IN
26 SECTION 24-1-105.

27 **SECTION 166.** In Colorado Revised Statutes, 39-2-123, **amend**

1 (4) as follows:

2 **39-2-123. Board of assessment appeals created - members -**
3 **compensation.** (4) The board of assessment appeals ~~shall exercise~~
4 EXERCISES its powers, duties, and functions under the department of local
5 affairs as if it were transferred to said department by a **type 1 transfer**
6 ~~under the provisions of the "Administrative Organization Act of 1968"~~
7 ENTITY, AS DEFINED IN SECTION 24-1-105.

8 **SECTION 167.** In Colorado Revised Statutes, 39-2-129, **amend**
9 (1) as follows:

10 **39-2-129. Advisory committee to the property tax**
11 **administrator created.** (1) There is ~~hereby~~ created in the department of
12 local affairs the advisory committee to the property tax administrator.
13 ~~Said~~ THE advisory committee ~~shall exercise~~ EXERCISES its powers, ~~and~~
14 ~~perform its~~ duties, and functions under the department of local affairs as
15 if it were transferred to said department by a **type 1 transfer** under the
16 ~~provisions of the "Administrative Organization Act of 1968", article 1 of~~
17 ~~title 24, C.R.S.~~ ENTITY, AS DEFINED IN SECTION 24-1-105.

18 **SECTION 168.** In Colorado Revised Statutes, **amend** 24-32-301
19 as follows:

20 **24-32-301. Creation of division - director - assistants.** There is
21 ~~hereby~~ created a division in the department of local affairs to be known
22 as the division of commerce and development, referred to in this part 3 as
23 the "division". The ~~division shall be in the charge of a director, who shall~~
24 ~~be appointed by the~~ executive director of the department SHALL APPOINT
25 A DIRECTOR OF THE DIVISION. The director shall appoint ~~such~~ assistants
26 and clerical employees as ~~may be deemed~~ necessary to effectively
27 administer this part 3. The director, ~~and such~~ assistants, and employees

1 ~~shall be~~ ARE appointed pursuant to section 13 of article XII of the state
2 constitution. THE DIVISION AND THE OFFICE OF THE DIRECTOR EXERCISE
3 THEIR POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT AS **TYPE**
4 **2** ENTITIES, AS DEFINED IN SECTION 24-1-105.

5 **SECTION 169.** In Colorado Revised Statutes, 24-32-704, **amend**
6 (2) as follows:

7 **24-32-704. Division of housing - director.** (2) The division of
8 housing ~~shall exercise~~ EXERCISES its powers, ~~and perform its~~ duties, and
9 functions specified in this part 7 under the department of local affairs as
10 if it were transferred to the department by a **type 1** transfer as such
11 transfer is defined in the "~~Administrative Organization Act of 1968~~",
12 ~~being article 1 of this title~~ ENTITY, AS DEFINED IN SECTION 24-1-105.

13 **SECTION 170.** In Colorado Revised Statutes, 24-1-127, **amend**
14 (2), (3) introductory portion, (3)(a), (3)(b), (3)(d), (3)(f), and (3)(g) as
15 follows:

16 **24-1-127. Department of military and veterans affairs -**
17 **creation.** (2) The office of the adjutant general, created by part 1 of
18 article 3 of title 28, C.R.S., ~~and its powers, duties, and functions are~~ IS
19 transferred by a **type 2** transfer to the department of military and veterans
20 affairs AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE
21 DEPARTMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.
22 <{*DMVA: Should this refer to the office of the adjutant general or the*
23 *adjutant general (i.e., the person who serves in that capacity? - See*
24 *section 28-3-105 in section 170 of the bill.*}>

25 (3) The department of military and veterans affairs ~~shall consist~~
26 CONSISTS of the following divisions:

27 (a) The Colorado National Guard, created by part 2 of article 3 of

1 title 28. <{*DMVA: Should this just say "created by article 3 of title*
2 *28"?*}> ~~C.R.S. Its powers, duties, and functions are~~ THE COLORADO
3 NATIONAL GUARD IS transferred by a **type 2** transfer to the department of
4 military and veterans affairs as a division thereof AND EXERCISES ITS
5 POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT AS A **TYPE 2**
6 ENTITY, AS DEFINED IN SECTION 24-1-105.

7 (b) The Colorado ~~department~~ DIVISION of civil air patrol, created
8 by article 1 of title 28. ~~C.R.S. Its powers, duties, and functions are~~ THE
9 COLORADO DIVISION OF CIVIL AIR PATROL IS transferred by a **type 1**
10 transfer to the department of military and veterans affairs as the Colorado
11 division of the civil air patrol. THE COLORADO DIVISION OF CIVIL AIR
12 PATROL EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1**
13 ENTITY, AS DEFINED IN SECTION 24-1-105.<{*DMVA: In section 28-1-101*
14 *this is referred to as the Colorado division of Civil Air Patrol not the*
15 *Colorado department of Civil Air Patrol, so this change aligns the*
16 *name.*}>

17 (d) The Colorado state defense force, when organized by the
18 governor pursuant to article 4 of title 28. ~~C.R.S. If organized, its is~~
19 ~~powers, duties, and functions are,~~ THE COLORADO STATE DEFENSE FORCE
20 IS transferred by a **type 2** transfer to the department of military and
21 veterans affairs as a division thereof. IF ORGANIZED, THE COLORADO
22 STATE DEFENSE FORCE EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS
23 UNDER THE DEPARTMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
24 24-1-105.

25 (f) The division of veterans affairs, created by part 7 of article 5
26 of title 28. ~~C.R.S. Its powers, duties, and functions are~~ THE DIVISION OF
27 VETERANS AFFAIRS IS transferred by a **type 2** transfer to the department

1 of military and veterans affairs as a division thereof AND EXERCISES ITS
2 POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT AS A **TYPE 2**
3 ENTITY, AS DEFINED IN SECTION 24-1-105.

4 (g) The Colorado board of veterans affairs, created by section
5 28-5-702. ~~C.R.S. Its powers, duties, and functions are~~ THE COLORADO
6 BOARD OF VETERANS AFFAIRS IS transferred by a **type 2** transfer to the
7 department of military and veterans affairs as a division thereof AND
8 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT
9 AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

10 **SECTION 171.** In Colorado Revised Statutes, 28-1-101, **amend**
11 (1)(a) as follows:

12 **28-1-101. Colorado division of civil air patrol - publication -**
13 **benefits.** (1) (a) There is ~~hereby~~ created and established ~~within~~ IN the
14 department of military and veterans affairs the Colorado division of civil
15 air patrol. THE DIVISION EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS
16 AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105. The mission of the
17 division ~~shall be~~ IS to provide support for and facilitate the operation of
18 the civil air patrol, Colorado wing, which ~~shall be~~ IS under the command
19 and control of the duly appointed commanding officer of ~~such~~ THE wing.
20 On and after July 1, 2004, the head of the division ~~shall be~~ IS appointed
21 by the adjutant general acting on behalf of the governor and in
22 consultation with the duly appointed commanding officer of the civil air
23 patrol, Colorado wing. Warrants ~~shall be~~ ARE drawn against
24 appropriations made for the division upon vouchers issued and signed by
25 the head of the division.

26 **SECTION 172.** In Colorado Revised Statutes, **amend** 28-3-201
27 as follows:

1 **28-3-201. Composition.** The Colorado National Guard consists
2 of the regularly enlisted militia within the ages prescribed by federal law
3 and regulations, organized, armed, and equipped as provided in this
4 ~~article~~ ARTICLE 3, and of commissioned officers and warrant officers
5 within the ages and having the qualifications prescribed by federal law
6 and regulations. "National Guard" applies only to militia organized as
7 provided for in this ~~article~~ ARTICLE 3 and authorized by federal law and
8 regulations relating to the National Guard. The number of officers and
9 enlisted ~~men~~ PERSONNEL of the National Guard ~~shall~~ MUST be fixed from
10 time to time and organized so as to meet the requirements of the federal
11 laws and regulations. THE COLORADO NATIONAL GUARD EXERCISES ITS
12 POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT AS A **TYPE 2**
13 ENTITY, AS DEFINED IN SECTION 24-1-105.

14 **SECTION 173.** In Colorado Revised Statutes, 28-3-105, **amend**
15 (1) as follows:

16 **28-3-105. Adjutant general - assistants.** (1) There ~~shall be~~ IS an
17 adjutant general of the state who ~~shall be~~ IS appointed by the governor,
18 with the advice and consent of the senate, who ~~shall~~ MUST be a staff
19 officer, who at the time of appointment ~~shall be~~ IS a commissioned officer
20 of the National Guard of this state with not fewer than ten years' military
21 service in the armed forces of this state or of the United States at least
22 five of which have been commissioned service in the Colorado National
23 Guard, and who has attained the grade of lieutenant colonel or a higher
24 grade with federal recognition in such grade at least one year prior to his
25 or her appointment as adjutant general. The adjutant general ~~shall serve~~
26 SERVES at the pleasure of the governor. THE ADJUTANT GENERAL
27 EXERCISES HIS OR HER POWERS, DUTIES, AND FUNCTIONS UNDER THE

1 DEPARTMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105. <{Or
2 should it refer to the office of the adjutant general?}>

3 **SECTION 174.** In Colorado Revised Statutes, **amend** 28-4-104
4 as follows:

5 **28-4-104. State defense force - composition.** The governor is
6 authorized to organize and maintain within this state such military forces
7 as the governor deems necessary to defend this state. Such forces ~~shall be~~
8 ARE known as the state defense force and ~~shall be~~ ARE composed of such
9 citizens of the state ~~as shall~~ THAT volunteer or ~~be~~ ARE ordered by the
10 governor and qualify for service therein. Such forces ~~shall be~~ ARE
11 additional to and distinct from the National Guard. The Colorado state
12 defense force ~~shall be~~ IS maintained in numbers to be determined by the
13 governor. IF ORGANIZED BY THE GOVERNOR, THE COLORADO STATE
14 DEFENSE FORCE EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER
15 THE DEPARTMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.
16 No officer or enlisted person of this force ~~shall~~ MAY be a member of the
17 National Guard or other armed force of the United States. ~~Such~~ Part of
18 this force as ordered by the governor **shall be IS** uniformed. Any part or
19 all of this force may be called to state defense force active duty at the
20 pleasure of the governor. All costs and expenses of the state defense force
21 ~~shall be~~ ARE paid from the general fund by separate appropriation to the
22 department of military affairs.

23 **SECTION 175.** In Colorado Revised Statutes, **amend** 28-5-701
24 as follows:

25 **28-5-701. Division of veterans affairs - transfer of functions -**
26 **terminology.** (1) There is ~~hereby~~ created the division of veterans affairs
27 ~~within~~ IN the department of military and veterans affairs, the head of

1 which ~~shall be~~ IS the director of the division of veterans affairs who ~~shall~~
2 ~~be~~ IS appointed by the adjutant general acting in his or her capacity as the
3 administrative head of the department. The director shall appoint such
4 assistants and clerical employees as may be deemed necessary to
5 effectively administer this part 7 and part 8 of this ~~article~~ ARTICLE 5. The
6 director and such assistants and employees ~~shall~~ MUST be appointed
7 pursuant to section 13 of article XII of the state constitution. THE
8 DIVISION OF VETERANS AFFAIRS AND THE DIRECTOR OF THE DIVISION OF
9 VETERANS AFFAIRS EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS
10 **UNDER THE DEPARTMENT OF MILITARY AFFAIRS AS TYPE 2 ENTITIES, AS**
11 DEFINED IN SECTION 24-1-105.

12 (2) Whenever any law of this state refers to the Colorado
13 department of veterans affairs or to the veterans affairs section, said law
14 shall be construed as referring to the division of veterans affairs.
15 **<{DMVA: Can any of the rest of this section be repealed? There are no**
16 **references to the Colorado department of veterans affairs or the**
17 **veterans affairs section in statute any longer.}>**

18 (3) The division and the board shall, on and after July 1, 2002,
19 execute, administer, perform, and enforce the rights, powers, duties,
20 functions, and obligations vested in the department of human services
21 pursuant to articles 9 and 10 of title 26 ~~C.R.S.~~, prior to said date. On and
22 after July 1, 2002, any officers or employees of the department of human
23 services whose primary duties were to carry out the functions specified
24 in articles 9 and 10 of title 26 ~~C.R.S.~~, prior to said date and whose duties
25 and functions concerned the duties and functions transferred to the
26 division pursuant to this part 7 and part 8 of this ~~article~~ ARTICLE 5, and
27 whose employment in the division is deemed necessary by the director to

1 carry out the purposes of this ~~article shall be~~ ARTICLE 5 ARE transferred
2 to the department and become employees thereof. Such employees ~~shall~~
3 retain all rights to the personnel system and retirement benefits pursuant
4 to the laws of this state, and their services ~~shall be~~ ARE deemed to have
5 been continuous. All transfers and any abolishment of positions in the
6 state personnel system ~~shall~~ MUST be made and processed in accordance
7 with state personnel system laws and regulations.

8 (4) (a) On July 1, 2002, all items of property, real and personal,
9 including office furniture and fixtures, books, documents, and records of
10 the department of human services prior to said date pertaining to the
11 duties and functions transferred to the division pursuant to this part 7 and
12 part 8 of this ~~title~~ TITLE 28 are transferred to the department and become
13 the property thereof.

14 (b) On or before September 1, 2002, the department of human
15 services and the department of military and veterans affairs shall agree on
16 the method, scope, and procedures for the transfer of any property,
17 mineral, and water rights involving the western slope military veterans
18 cemetery, as described in section 28-5-708, in order to ensure that the use
19 of said cemetery is continuous and consistent with federal law.

20 (c) The general assembly requests the department of human
21 services and the state board of land commissioners to transfer, without
22 compensation, by any procedure necessary, any appropriate property,
23 mineral, and water rights involving the western slope military veterans'
24 cemetery, as described in section 28-5-708, to the department of military
25 and veterans affairs, within two months of the completion of a legal
26 survey of the property described in section 28-5-708.

27 (d) The general assembly further requests the department of

1 human services and the state board of land commissioners to report to the
2 state, veterans, and military affairs committees of the senate and house of
3 representatives, or their successor committees, no later than July 15,
4 2005, that the transfer of appropriate property, mineral, and water rights
5 requested in ~~paragraph (c) of this subsection (4)~~ SUBSECTION (4)(c) OF
6 THIS SECTION has been completed.

7 (5) Whenever the department of human services is referred to or
8 designated by a contract or other document in connection with the duties
9 and functions transferred to the division pursuant to this part 7 and part
10 8 of this ~~article~~ ARTICLE 5, such reference or designation ~~shall be~~ IS
11 deemed to apply to the department of military and veterans affairs. All
12 contracts entered into by the department of human services prior to July
13 1, 2002, in connection with the duties and functions transferred to the
14 department of military and veterans affairs pursuant to this part 7 and part
15 8 of this ~~article~~ ARTICLE 5 are ~~hereby~~ validated, with the department of
16 military and veterans affairs succeeding to all the rights and obligations
17 of such contracts. Any appropriations of ~~funds~~ MONEY from prior fiscal
18 years open to satisfy obligations incurred pursuant to such contracts are
19 ~~hereby~~ transferred and appropriated to the department for the payment of
20 such obligations.

21 **SECTION 176.** In Colorado Revised Statutes, 28-5-702, **amend**
22 (1) as follows:

23 **28-5-702. Board of veterans affairs - sunset review - repeal.**

24 (1) The Colorado board of veterans affairs ~~and its powers, duties, and~~
25 ~~functions are hereby~~ IS transferred by a **type 2** transfer from the
26 department of human services to the department of military and veterans
27 affairs. The board shall advise and consult with the division in the

1 administration and enforcement of this ~~article~~ ARTICLE 5. THE COLORADO
2 BOARD OF VETERANS AFFAIRS EXERCISES ITS POWERS, DUTIES, AND
3 FUNCTIONS UNDER THE DEPARTMENT AS A **TYPE 2** ENTITY, AS DEFINED IN
4 SECTION 24-1-105.

5 **SECTION 177.** In Colorado Revised Statutes, 24-1-128, **amend**
6 (2), (7) introductory portion, (7)(a), (7)(b), (7)(d), (7)(f), (7)(g), (7)(h),
7 (7)(k), and (7)(l) as follows:

8 **24-1-128. Department of personnel - creation.** (2) The state
9 personnel board, created by section 14 of article XII of the state
10 constitution, ~~and its powers, duties, and functions are~~ IS transferred by a
11 **type 1** transfer to the department of personnel, subject to the provisions
12 of the state constitution. THE STATE PERSONNEL BOARD EXERCISES ITS
13 POWERS, DUTIES, AND FUNCTIONS, SUBJECT TO THE PROVISIONS OF THE
14 STATE CONSTITUTION, AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION
15 24-1-105.

16 (7) The department of personnel ~~shall include~~ INCLUDES the
17 following administrative support services:

18 (a) The powers, duties, and functions concerning purchasing,
19 specified in part 2 of article 102 of this ~~title, shall be administered as if~~
20 TITLE 24, ARE transferred by a **type 2** transfer to the department of
21 personnel. <{***This is a "transfer of functions" only.***}>

22 (b) The powers, duties, and functions concerning state archives
23 and public records, specified in part 1 of article 80 of this ~~title, shall be~~
24 ~~administered as if~~ TITLE 24, ARE transferred by a **type 2** transfer to the
25 department of personnel. <{***This is a "transfer of functions" only.***}>

26 (d) The powers, duties, and functions concerning accounts and
27 control and the office of controller, specified in part 2 of article 30 of this

1 title, except those powers, duties, and functions transferred by paragraph
2 (c) of this subsection (7), shall be administered as if TITLE 24, ARE
3 transferred by a **type 2** transfer to the department of personnel. <{*This is*
4 *a transfer of "functions only"*}> <{*Dept. of Personnel: (7)(c) was*
5 *repealed when the OIT functions were consolidated in state government*
6 *and the General Government Computer Center in Personnel was*
7 *transferred to the Office of Information Technology in the Governor's*
8 *Office - this reference can be eliminated in this section.*}>

9 (f) The office of administrative courts, the head of which shall be
10 IS the executive director of the department of personnel, The office of
11 administrative courts, created by part 10 of article 30 of this title, and its
12 powers, duties, and functions are TITLE 24. THE OFFICE OF
13 ADMINISTRATIVE COURTS IS transferred by a **type 2** transfer to the
14 department of personnel as an office thereof AND EXERCISES ITS POWERS,
15 DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT AS A **TYPE 2** ENTITY, AS
16 DEFINED IN SECTION 24-1-105.

17 (g) The powers, duties, and functions concerning central services,
18 specified in part 11 of article 30 of this title, shall be administered as if
19 TITLE 24, ARE transferred by a **type 2** transfer to the department of
20 personnel. <{*This is a "transfer of functions" only.*}>

21 (h) The powers, duties, and functions concerning the risk
22 management system, specified in part 15 of article 30 of this title, shall be
23 administered as if TITLE 24, ARE transferred by a **type 2** transfer to the
24 department of personnel. <{*This is a "transfer of functions" only.*}>

25 (k) The powers, duties, and functions concerning state buildings,
26 Such powers, duties, and functions, specified by part 13 of article 30 of
27 this title TITLE 24 and formerly vested in the office of state planning and

1 budgeting, are transferred by a **type 2** transfer to the department of
2 personnel. <{*This is a "transfer of functions" only*}>

3 (l) The state claims board, created by part 15 of article 30 of this
4 ~~title, and its powers, duties, and functions are~~ TITLE 24. THE STATE
5 CLAIMS BOARD IS transferred by a **type 1** transfer to the department of
6 personnel AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE**
7 **1** ENTITY, AS DEFINED IN SECTION 24-1-105.

8 **SECTION 178.** In Colorado Revised Statutes, 24-30-201, **amend**
9 (2) as follows:

10 **24-30-201. Accounts and control - controller.** (2) The powers,
11 duties, and functions concerning accounts and control and the office of
12 the controller ~~shall be administered as if~~ ARE transferred by a **type 2**
13 transfer to the department of personnel. THE OFFICE OF THE CONTROLLER
14 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS **UNDER THE DEPARTMENT**
15 **OF PERSONNEL** AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

16 **SECTION 179.** In Colorado Revised Statutes, 24-30-1001,
17 **amend** (1) as follows:

18 **24-30-1001. Office of administrative courts - administrative**
19 **courts cash fund - creation.** (1) Effective July 1, 2005, there is ~~hereby~~
20 created the office of administrative courts in the department of personnel,
21 the head of which ~~shall be~~ IS the executive director of the department of
22 personnel. The office of administrative courts ~~shall exercise~~ EXERCISES
23 its powers, duties, and functions **UNDER THE DEPARTMENT OF PERSONNEL**
24 as a **type 2 agency** ENTITY, AS DEFINED IN SECTION 24-1-105.

25 **SECTION 180.** In Colorado Revised Statutes, 24-30-1103,
26 **amend** (2) as follows:

27 **24-30-1103. Central services.** (2) The powers, duties, and

1 functions concerning central services, specified by this part 11, ~~shall be~~
2 ~~administered as if~~ ARE transferred by a **type 2** transfer, as ~~such transfer is~~
3 ~~defined by the "Administrative Organization Act of 1968", article 1 of~~
4 ~~this title~~ DEFINED IN SECTION 24-1-105, to the department of personnel.

5 **SECTION 181.** In Colorado Revised Statutes, 24-30-1302,
6 **amend** (1) as follows:

7 **24-30-1302. State buildings - transfer.** (1) The powers, duties,
8 and functions of the office of state planning and budgeting relating to
9 state buildings are transferred by a **type 2** transfer, AS DEFINED IN SECTION
10 24-1-105, to the department of personnel.

11 **SECTION 182.** In Colorado Revised Statutes, 24-30-1503,
12 **amend** (2) as follows:

13 **24-30-1503. Risk management system.** (2) The powers, duties,
14 and functions concerning risk management, specified by this part 15, ~~shall~~
15 ~~be administered as if~~ ARE transferred to the department of personnel by
16 a **type 2** transfer, as ~~such transfer is defined by the "Administrative~~
17 ~~Organization Act of 1968", article 1 of this title~~ DEFINED IN SECTION
18 24-1-105.

19 **SECTION 183.** In Colorado Revised Statutes, 24-30-1508,
20 **amend** (2) as follows:

21 **24-30-1508. State claims board - creation.** (2) The state claims
22 board ~~shall exercise its powers and perform its duties and functions as if~~
23 ~~it were~~ IS transferred to the department of personnel by a **type 1** transfer.
24 ~~as such transfer is defined by the "Administrative Organization Act of~~
25 ~~1968", article 1 of this title.~~ THE STATE CLAIMS BOARD EXERCISES ITS
26 POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN
27 SECTION 24-1-105.

1 **SECTION 184.** In Colorado Revised Statutes, 24-50-103, **amend**
2 (2) as follows:

3 **24-50-103. State personnel board.** (2) The board shall exercise
4 its powers and perform its duties and functions under the department of
5 personnel and the state personnel director as if the same were is
6 transferred to the department by a **type 1** transfer. as such transfer is
7 defined in the "Administrative Organization Act of 1968", article 1 of this
8 title EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS, **SUBJECT TO THE**
9 **STATE CONSTITUTION,** AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION
10 24-1-105.

11 **SECTION 185.** In Colorado Revised Statutes, 24-80-102, **amend**
12 (11) as follows:

13 **24-80-102. State archives and records - personnel - duties -**
14 **cash fund - rules - definition.** (11) ~~The powers, duties, and functions of~~
15 ~~The state archivist and the department of personnel concerning state~~
16 ~~archives and records shall be administered as if transferred by a **type 2**~~
17 ~~transfer to the department of personnel~~ EXERCISES HIS OR HER POWERS,
18 DUTIES, AND FUNCTIONS, INCLUDING THOSE RELATED TO STATE ARCHIVES
19 AND RECORDS, UNDER THE DEPARTMENT OF PERSONNEL AS A **TYPE 2**
20 ENTITY, AS DEFINED IN SECTION 24-1-105.

21 **SECTION 186.** In Colorado Revised Statutes, 24-102-201,
22 **amend** (2) as follows:

23 **24-102-201. Purchasing.** (2) The powers, duties, and functions
24 concerning purchasing shall be administered as if ARE transferred to the
25 department of personnel by a **type 2** transfer, as such transfer is defined
26 by the "Administrative Organization Act of 1968", article 1 of this title
27 DEFINED IN SECTION 24-1-105.

1 **SECTION 187.** In Colorado Revised Statutes, 24-1-128.5,
2 **amend** (1.5), (2) introductory portion, (2)(a), (2)(b), (3), and (3.5) as
3 follows:

4 **24-1-128.5. Department of corrections - creation.** (1.5) The
5 department of corrections shall supervise and control each correctional
6 facility, as defined in section 17-1-102. ~~C.R.S.~~ The **powers, duties, and**
7 **functions** of the **FORMER** department of institutions relating to honor
8 camps, work release programs, and other adult correctional programs are
9 transferred by a **type 2** transfer to the department of corrections. The
10 powers, duties, and functions of the division of parole in the department
11 of institutions are transferred by a **type 3** transfer to the department of
12 corrections, and the division of parole in the department of institutions is
13 abolished. The executive director of the department of corrections ~~shall~~
14 ~~have~~ HAS the powers and duties specified in title 17. ~~C.R.S.~~

15 (2) The department of corrections ~~shall consist~~ CONSISTS of the
16 following divisions:

17 (a) The division of adult parole, the head of which ~~shall be~~ IS the
18 director of the division of adult parole. The division of adult parole ~~shall~~
19 ~~exercise its powers and perform its duties and functions under the~~
20 ~~department of corrections as if the same were~~ IS transferred by a **type 2**
21 transfer TO THE DEPARTMENT OF CORRECTIONS AND EXERCISES ITS
22 POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT AS A **TYPE 2**
23 ENTITY, AS DEFINED IN SECTION 24-1-105.

24 (b) The division of correctional industries, the head of which ~~shall~~
25 ~~be~~ IS the director of the division of correctional industries. The division
26 ~~shall supervise~~ SUPERVISES and ~~control~~ CONTROLS correctional industries
27 programs in this state. The division ~~shall exercise its powers and perform~~

1 ~~its duties and functions under the department of corrections as if the same~~
2 ~~were~~ IS transferred by a **type 2** transfer TO THE DEPARTMENT OF
3 CORRECTIONS AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS
4 UNDER THE DEPARTMENT AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION
5 24-1-105.

6 (3) The state board of parole, created by part 2 of article 2 of title
7 17, ~~C.R.S.~~, is transferred by a **type 1** transfer to the department of
8 corrections AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A
9 **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

10 (3.5) The division of correctional industries ~~shall include~~
11 INCLUDES, as a section thereof, the Colorado state agency for surplus
12 property, created by part 4 of article 82 of this ~~title~~ TITLE 24. The agency
13 ~~and its powers, duties, and functions are~~ IS transferred by a **type 2** transfer
14 to the department of corrections, ~~and~~ IS allocated to the division of
15 correctional industries, ~~as a section thereof~~ AND EXERCISES ITS POWERS,
16 DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT AS A **TYPE 2** ENTITY, AS
17 DEFINED IN SECTION 24-1-105.

18 **SECTION 188.** In Colorado Revised Statutes, 17-2-102, **amend**
19 (1) as follows:

20 **17-2-102. Division of adult parole - general powers, duties, and**
21 **functions - definitions.** (1) The division of adult parole in the
22 department ~~shall administer~~ ADMINISTERS the adult parole program. THE
23 DIVISION OF ADULT PAROLE EXERCISES ITS POWERS, DUTIES, AND
24 FUNCTIONS UNDER THE DEPARTMENT AS A **TYPE 2** ENTITY, AS DEFINED IN
25 SECTION 24-1-105. The division shall keep a complete record in respect
26 to all domestic as well as interstate parolees. The director of the division
27 of adult parole ~~shall exercise~~ EXERCISES the power of suspension of

1 paroles in the interim of the meetings of the state board of parole, referred
2 to in this part 1 as the "board", and ~~in connection therewith~~ the director
3 may arrest ~~such~~ A suspended parolee without warrant and return ~~such~~ A
4 suspended parolee to an appropriately secure facility to await the further
5 action of the board. In case of ~~such~~ A suspension of parole, the director
6 shall send to the board, at its first session thereafter, a transcript of all
7 proceedings taken in connection with ~~such~~ THE suspension and the
8 reasons for his or her action.

9 **SECTION 189.** In Colorado Revised Statutes, 17-2-201, **amend**
10 (1)(a) as follows:

11 **17-2-201. State board of parole - definitions.** (1) (a) There is
12 ~~hereby~~ created a state board of parole, referred to in this part 2 as the
13 "board", which ~~shall consist~~ CONSISTS of seven members. THE BOARD
14 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS
15 DEFINED IN SECTION 24-1-105. The members of the board ~~shall be~~ ARE
16 appointed by the governor and confirmed by the senate, and they shall
17 devote their full time to their duties as members of the board. The
18 members ~~shall be~~ ARE appointed for three-year terms and may serve
19 consecutive terms. The governor may remove a board member for
20 incompetency, neglect of duty, malfeasance in office, continued failure
21 to use the risk assessment guidelines as required by section 17-22.5-404,
22 or failure to regularly attend meetings as determined by the governor.
23 Final conviction of a felony during the term of office of a board member
24 ~~shall~~ automatically ~~result~~ RESULTS in the disqualification of the member
25 from further service on the board. The board ~~shall~~ MUST be composed of
26 representatives from multidisciplinary areas of expertise. Two members
27 ~~shall~~ MUST have experience in law enforcement and one member ~~shall~~

1 MUST have experience in offender supervision, including parole,
2 probation, or community corrections. Four members ~~shall~~ MUST have
3 experience in other relevant fields. Each member of the board ~~shall~~ MUST
4 have a minimum of five years of experience in a relevant field, and
5 knowledge of parole laws and guidelines, rehabilitation, correctional
6 administration, the functioning of the criminal justice system, issues
7 associated with victims of crime, the duties of parole board members, and
8 actuarial risk assessment instruments and other offender assessment
9 instruments used by the board and the department of corrections. A
10 person who has been convicted of a felony or of a misdemeanor involving
11 moral turpitude or who has any financial interests ~~which~~ THAT conflict
12 with the duties of a member of the parole board ~~shall~~ IS not be eligible for
13 appointment.

14 **SECTION 190.** In Colorado Revised Statutes, 17-24-104, **amend**
15 (1) as follows:

16 **17-24-104. Creation of division of correctional industries and**
17 **advisory committee - enterprise status of division - duties of**
18 **committee - sunset review of committee - rules.** (1) There is ~~hereby~~
19 created in the department of corrections the division of correctional
20 industries, which ~~shall be~~ IS under the direction of the director of
21 correctional industries, who ~~shall be~~ IS appointed by the executive
22 director of the department of corrections pursuant to section 13 of article
23 XII of the state constitution. The division ~~shall constitute~~ CONSTITUTES
24 an enterprise for the purposes of section 20 of article X of the state
25 constitution so long as it retains the authority to issue revenue bonds and
26 receives less than ten percent of its total annual revenues in grants, as
27 defined in section 24-77-102 (7), ~~C.R.S.~~, from all Colorado state and

1 local governments combined. So long as it constitutes an enterprise
2 pursuant to the provisions of this section, the division of correctional
3 industries ~~shall~~ IS NOT ~~be~~ a district for purposes of section 20 of article X
4 of the state constitution. THE DIVISION AND THE DIRECTOR OF
5 CORRECTIONAL INDUSTRIES EXERCISE THEIR POWERS, DUTIES, AND
6 FUNCTIONS UNDER THE DEPARTMENT **OF CORRECTIONS** AS **TYPE 2**
7 ENTITIES, AS DEFINED IN SECTION 24-1-105.

8 **SECTION 191.** In Colorado Revised Statutes, **amend** 24-82-402
9 as follows:

10 **24-82-402. Director - staff.** The Colorado state agency for
11 surplus property, referred to in this part 4 as the "state agency", ~~shall~~
12 ~~consist~~ IS A SECTION OF THE DIVISION OF CORRECTIONAL INDUSTRIES. THE
13 STATE AGENCY CONSISTS of a director, who ~~shall be~~ IS the executive
14 officer of the state agency, and ~~such~~ THE deputies, assistants, and
15 employees as in the opinion of the director and the governor are necessary
16 to carry out the provisions of this part 4. The director ~~shall be~~ IS the
17 director of the division of correctional industries. All deputies, assistants,
18 and employees ~~shall be~~ ARE appointed by the director pursuant to section
19 13 of article XII of the state constitution and ~~shall~~ receive such
20 compensation and reimbursement of expenses incurred in the
21 performance of their duties as other employees of the state government
22 are paid. All employees of the state agency on July 1, 1987, ~~shall~~ remain
23 employees of ~~such~~ THE agency without the need for further appointment
24 due to the transfer of the state agency from the department of personnel.
25 The employees of the state agency ~~shall~~ MUST not exceed ten employees.
26 THE STATE AGENCY AND THE DIRECTOR OF THE STATE AGENCY EXERCISE
27 THEIR POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF

1 CORRECTIONS AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105.

2 **SECTION 192.** In Colorado Revised Statutes, 24-1-128.6,
3 **amend** (2)(a), (2)(c), (2)(d), (2)(h), (2)(i), (5), (6), (7), (8), and (9) as
4 follows:

5 **24-1-128.6. Department of public safety - creation - repeal.**

6 (2) The department of public safety consists of the following divisions:

7 (a) THE Colorado state patrol, the head of which ~~shall be~~ IS the
8 chief of the Colorado state patrol. The Colorado state patrol and the office
9 of chief, ~~thereof~~ created by part 2 of article 33.5 of this ~~title and their~~
10 ~~powers, duties, and functions~~ TITLE 24, are transferred by a **type 2**
11 transfer to the department of public safety AND EXERCISE THEIR POWERS,
12 DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT AS **TYPE 2** ENTITIES, AS
13 DEFINED IN SECTION 24-1-105. The powers, duties, and functions of the
14 state department of highways relating to the Colorado state patrol are
15 transferred by a **type 2** transfer to the department of public safety and
16 allocated to the Colorado state patrol. The powers, duties, and functions
17 of the ports of entry section of the motor carrier services division of the
18 division of motor vehicles of the department of revenue **which motor**
19 **carrier services division is abolished pursuant to section 24-1-117 (5),**
20 **enacted by House Bill 12-1019, enacted in 2012,** are transferred by a **type**
21 **3** transfer to the department of public safety and allocated to the Colorado
22 state patrol.

23 (c) THE Colorado bureau of investigation, the head of which ~~shall~~
24 ~~be~~ IS the director of the Colorado bureau of investigation. The Colorado
25 bureau of investigation and the office of THE director, ~~thereof~~ created by
26 part 4 of article 33.5 of this ~~title and their powers, duties, and functions~~
27 TITLE 24, are transferred by a **type 2** transfer to the department of public

1 safety AND EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS UNDER THE
2 DEPARTMENT AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105. The
3 powers, duties, and functions of the department of local affairs relating
4 to the Colorado bureau of investigation are transferred by a **type 2**
5 transfer to the department of public safety and allocated to the Colorado
6 bureau of investigation.

7 (d) THE division of criminal justice, the head of which ~~shall be~~ IS
8 the director of the division of criminal justice. The division of criminal
9 justice and the office of THE director, ~~thereof~~ created by part 5 of article
10 33.5 of this ~~title and their powers, duties, and functions~~ TITLE 24, are
11 transferred by a **type 2** transfer to the department of public safety AND
12 EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS UNDER THE
13 DEPARTMENT AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105. The
14 powers, duties, and functions of the department of local affairs relating
15 to the division of criminal justice are transferred by a **type 2** transfer to
16 the department of public safety and allocated to the division of criminal
17 justice.

18 (h) (I) THE division of homeland security and emergency
19 management, the head of which is the director of the division of
20 homeland security and emergency management. The division of
21 homeland security and emergency management and the office of THE
22 director ~~thereof~~ OF THE DIVISION OF HOMELAND SECURITY AND
23 EMERGENCY MANAGEMENT, created by part 16 of article 33.5 of this ~~title~~
24 ~~shall exercise their powers and perform their duties and functions as if the~~
25 ~~same were~~ TITLE 24, ARE transferred by a **type 2** transfer to the
26 department of public safety, ~~and~~ ARE allocated to the division of
27 homeland security and emergency management, AND EXERCISE THEIR

1 POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF PUBLIC
2 SAFETY AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105.

3 (II) The division of homeland security and emergency
4 management includes the following agencies, which ~~shall~~ exercise their
5 powers, ~~and perform their~~ duties, and functions under the department of
6 public safety as ~~if the same were transferred thereto by a type 2 transfer~~
7 ENTITIES, AS DEFINED IN SECTION 24-1-105:

8 (A) The office of emergency management, created by part 7 of
9 article 33.5 of this ~~title~~ TITLE 24, the head of which is the director of the
10 office of emergency management. Effective July 1, 2012, the division of
11 emergency management in the department of local affairs, created by part
12 21 of article 32 of this ~~title~~ TITLE 24, prior to its repeal in 2012, and its
13 powers, duties, and functions are transferred by a **type 2** transfer to the
14 department of public safety and allocated to the office of emergency
15 management under the division of homeland security and emergency
16 management pursuant to this ~~article~~ ARTICLE 1.

17 (B) THE office of prevention and security, created in section
18 24-33.5-1606; and

19 (C) The office of preparedness, created in section 24-33.5-1606.5.

20 (i) THE division of fire prevention and control, the head of which
21 is the director of the division of fire prevention and control. The division
22 of fire prevention and control and the office of the director, created by
23 part 12 of article 33.5 of this ~~title and their powers, duties, and functions~~
24 ~~are~~ TITLE 24, ARE transferred by a **type 2** transfer to the department of
25 public safety AND EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS
26 UNDER THE DEPARTMENT AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION
27 24-1-105. <{*DPS: Should the public school construction and inspection*

1 section, created in the division, (in section 24-33.5-120 (3)(a)) be named
2 here as well?}>

3 (5) The witness protection board, created by section 24-33.5-106,
4 ~~shall exercise its powers and perform its duties and functions as if the~~
5 ~~same were~~ IS transferred by a **type 1** transfer to the department of public
6 safety AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1**
7 ENTITY, AS DEFINED IN SECTION 24-1-105.

8 (6) The identity theft and financial fraud board, created by section
9 24-33.5-1703, ~~shall exercise its powers and perform its duties and~~
10 ~~functions as if the same were~~ IS transferred by a **type 2** transfer to the
11 department of public safety AND EXERCISES ITS POWERS, DUTIES, AND
12 FUNCTIONS UNDER THE DEPARTMENT AS A **TYPE 2** ENTITY, AS DEFINED IN
13 SECTION 24-1-105.

14 (7) The cold case task force, created in section 24-33.5-109, ~~shall~~
15 ~~exercise its powers and perform its duties and functions as if the same~~
16 ~~were~~ IS transferred by a **type 2** transfer to the department of public safety
17 AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE
18 DEPARTMENT OF PUBLIC SAFETY AS A **TYPE 2** ENTITY, AS DEFINED IN
19 SECTION 24-1-105.

20 (8) (a) The Colorado commission on criminal and juvenile justice,
21 created pursuant to section 16-11.3-102, C.R.S., ~~shall exercise its powers~~
22 ~~and perform its duties and functions as if the same were~~ IS transferred by
23 a **type 2** transfer to the department of public safety AND EXERCISES ITS
24 POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF PUBLIC
25 SAFETY AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

26 (b) This subsection (8) is repealed, effective July 1, 2018.

27 (9) The crime victim services advisory board, created pursuant to

1 section 24-4.1-117.3, ~~shall exercise its powers and perform its duties and~~
2 ~~functions as if the same were~~ IS transferred by a **type 2** transfer to the
3 division of criminal justice in the department of public safety AND
4 EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT
5 OF PUBLIC SAFETY AS A **TYPE 2** ENTITY, AS DEFINED IN SECTION 24-1-105.

6 **SECTION 193.** In Colorado Revised Statutes, 16-11.3-102,
7 **amend** (1)(b) as follows:

8 **16-11.3-102. Colorado commission on criminal and juvenile**
9 **justice - creation - membership - operation.** (1) (b) The commission
10 ~~shall exercise~~ EXERCISES its powers, ~~and perform its~~ duties, and functions
11 UNDER THE DEPARTMENT OF PUBLIC SAFETY as ~~if the same were~~
12 ~~transferred to the department of public safety by a type 2 transfer, as such~~
13 ~~transfer is defined in the "Administrative Organization Act of 1968",~~
14 ~~article 1 of title 24, C.R.S.~~ ENTITY, AS DEFINED IN SECTION 24-1-105.

15 **SECTION 194.** In Colorado Revised Statutes, 24-4.1-117.3,
16 **amend** (1) as follows:

17 **24-4.1-117.3. Crime victim services advisory board - creation**
18 **- duties.** (1) There is ~~hereby~~ created in the division of criminal justice in
19 the department of public safety the crime victim services advisory board,
20 referred to in this section as the "advisory board". The advisory board
21 ~~shall exercise~~ EXERCISES its powers, ~~and perform its~~ duties, and functions
22 under the division of criminal justice in the department of public safety
23 and the executive director of the department of public safety, referred to
24 in this section as the "executive director", as ~~if the same were transferred~~
25 ~~to the department of public safety by a type 2 transfer, as such transfer is~~
26 ~~defined in the "Administrative Organization Act of 1968", article 1 of this~~
27 ~~title~~ ENTITY, AS DEFINED IN SECTION 24-1-105.

1 **SECTION 195.** In Colorado Revised Statutes, 24-33.5-106,
2 **amend** (2) as follows:

3 **24-33.5-106. Witness protection board - creation - Javad**
4 **Marshall-Fields and Vivian Wolfe witness protection program -**
5 **witness protection fund.** (2) The witness protection board shall exercise
6 EXERCISES its powers, and perform its duties, and functions as if the same
7 were transferred to the department of public safety by a **type 1** transfer,
8 as such transfer is defined in the "Administrative Organization Act of
9 1968", article 1 of this title ENTITY, AS DEFINED IN SECTION 24-1-105.

10 **SECTION 196.** In Colorado Revised Statutes, 24-33.5-109,
11 **amend** (1)(b) as follows:

12 **24-33.5-109. Cold case task force - creation - rules - repeal.**
13 (1) (b) The task force shall exercise EXERCISES its powers, and perform
14 its duties, and functions UNDER THE DEPARTMENT OF PUBLIC SAFETY as if
15 the same were transferred to the department of public safety by a **type 2**
16 transfer, as such transfer is defined in the "Administrative Organization
17 Act of 1968", article 1 of this title ENTITY, AS DEFINED IN SECTION
18 24-1-105.

19 **SECTION 197.** In Colorado Revised Statutes, 24-33.5-201,
20 **amend** (2) as follows:

21 **24-33.5-201. Colorado state patrol created.** (2) The Colorado
22 state patrol and the office of the chief shall exercise their powers, and
23 perform their duties, and functions under the department of public safety
24 and the executive director as transferred to the department by a **type 2**
25 transfer, as such transfer is defined in the "Administrative Organization
26 Act of 1968", article 1 of this title ENTITIES, AS DEFINED IN SECTION
27 24-1-105.

1 **SECTION 198.** In Colorado Revised Statutes, 24-33.5-401,
2 **amend** (2) as follows:

3 **24-33.5-401. Colorado bureau of investigation.** (2) The
4 Colorado bureau of investigation and the office of the director ~~shall~~
5 exercise their powers, ~~and perform their~~ duties, and functions under the
6 department of public safety and the executive director as ~~transferred to~~
7 ~~the department by a type 2 transfer, as such transfer is defined in the~~
8 ~~"Administrative Organization Act of 1968", article 1 of this title~~ ENTITIES,
9 AS DEFINED IN SECTION 24-1-105.

10 **SECTION 199.** In Colorado Revised Statutes, 24-33.5-502,
11 **amend** (2) as follows:

12 **24-33.5-502. Division of criminal justice created.** (2) The
13 division of criminal justice and the office of the director ~~shall~~ exercise
14 their powers, ~~and perform their~~ duties, and functions under the
15 department of public safety and the executive director as ~~transferred to~~
16 ~~the department by a type 2 transfer, as such transfer is defined in the~~
17 ~~"Administrative Organization Act of 1968", article 1 of this title~~ ENTITIES,
18 AS DEFINED IN SECTION 24-1-105.

19 **SECTION 200.** In Colorado Revised Statutes, 24-33.5-705,
20 **amend** (1)(b) as follows:

21 **24-33.5-705. Office of emergency management - creation.**
22 (1) (b) The office of emergency management and the office of the
23 director thereof ~~shall~~ exercise their powers, ~~and perform their~~ duties, and
24 functions under the department and the executive director as ~~if the same~~
25 ~~were transferred to the department by a type 2 transfer, as such transfer~~
26 ~~is defined in the "Administrative Organization Act of 1968", article 1 of~~
27 ~~this title~~ ENTITIES, AS DEFINED IN SECTION 24-1-105.

1 **SECTION 201.** In Colorado Revised Statutes, 24-33.5-1201,
2 **amend** (2), (3)(a), (4)(a)(II), and (5)(a) as follows:

3 **24-33.5-1201. Division of fire prevention and control - creation**
4 **- public school construction and inspection section - health facility**
5 **construction and inspection section - legislative declaration.** (2) The
6 division, the office of the director, the advisory board created by section
7 24-33.5-1204, and the board of appeals created by section 24-33.5-1213.7
8 shall exercise their powers, ~~and perform their~~ duties, and functions under
9 the department of public safety and the executive director as ~~if the same~~
10 ~~were transferred to the department by a type 2 transfer, as such transfer~~
11 ~~is defined in the "Administrative Organization Act of 1968", article 1 of~~
12 ~~this title~~ ENTITIES, AS DEFINED IN SECTION 24-1-105.

13 (3) (a) There is ~~hereby~~ created ~~within~~ IN the division the public
14 school construction and inspection section to implement the provisions
15 of sections 22-32-124 (2) and 23-71-122 (1)(v) ~~C.R.S.~~, and to administer
16 and enforce the codes in accordance with sections 24-33.5-1213 and
17 24-33.5-1213.3. The public school construction and inspection section
18 ~~shall perform~~ EXERCISES its POWERS, duties, and functions under the
19 division and the executive director as ~~if the same were transferred to the~~
20 ~~department by a type 2 transfer, as such transfer is defined in the~~
21 ~~"Administrative Organization Act of 1968", article 1 of this title~~ ENTITY,
22 AS DEFINED IN SECTION 24-1-105.

23 (4) (a) (II) There is ~~hereby~~ created in the division of fire
24 prevention and control the wildland fire management section to
25 implement the provisions of this subsection (4) and sections 24-33.5-1217
26 to 24-33.5-1226. The wildland fire management section ~~shall perform~~
27 EXERCISES its POWERS, duties, and functions under the division of fire

1 prevention and control as ~~if the same were transferred by a type 2~~
2 ~~transfer, as such transfer is defined in the "Administrative Organization~~
3 ~~Act of 1968", article 1 of this title.~~ ENTITY, AS DEFINED IN SECTION
4 24-1-105.

5 (5) (a) There is ~~hereby~~ created ~~within~~ IN the division the health
6 facility construction and inspection section to implement section
7 24-33.5-1212.5 and to administer and enforce the codes in accordance
8 with sections 24-33.5-1212.5 and 24-33.5-1213. The health facility
9 construction and inspection section ~~shall perform~~ EXERCISES its POWERS,
10 duties, and functions under the division and the executive director as if
11 ~~the same were transferred to the department by a type 2 transfer, as such~~
12 ~~transfer is defined in the "Administrative Organization Act of 1968",~~
13 ~~article 1 of this title.~~ ENTITY, AS DEFINED IN SECTION 24-1-105.

14 **SECTION 202.** In Colorado Revised Statutes, 24-33.5-1603,
15 **amend** (2) as follows:

16 **24-33.5-1603. Division of homeland security and emergency**
17 **management - creation - director.** (2) The division includes the
18 following agencies, which ~~shall~~ exercise their powers, ~~and perform their~~
19 duties, and functions under the department as ~~if the same were transferred~~
20 ~~thereto by a type 2 transfer~~ ENTITIES, AS DEFINED IN SECTION 24-1-105:

21 (a) The office of emergency management, created in section
22 24-33.5-705;

23 (b) The office of prevention and security, created in section
24 24-33.5-1606; and

25 (c) The office of preparedness, created in section 24-33.5-1606.5.

26 **SECTION 203.** In Colorado Revised Statutes, 24-33.5-1606,
27 **amend** (1)(a) as follows:

1 **24-33.5-1606. Office of prevention and security - creation -**
2 **duties.** (1) (a) There is hereby created ~~within~~ IN the division an office of
3 prevention and security, the head of which is the manager of the office of
4 prevention and security. The director shall appoint the manager of the
5 office of prevention and security pursuant to section 13 of article XII of
6 the state constitution. <*Does this need an amendment? it's type 2 status*
7 *was stated in section 24-33.5-1603 (2); same issues for office of*
8 *prevention and security - 24-33.5-705 and office of preparedness -*
9 *24-33.5-1606.5*>

10 **SECTION 204.** In Colorado Revised Statutes, 24-33.5-1703,
11 **amend** (1)(b) as follows:

12 **24-33.5-1703. Identity theft and financial fraud board -**
13 **creation - rules.** (1) (b) The board ~~shall exercise~~ EXERCISES its powers,
14 ~~and perform its~~ duties, and functions UNDER THE DEPARTMENT OF PUBLIC
15 SAFETY as ~~if the same were transferred to the department of public safety~~
16 ~~by a type 2 transfer, as such transfer is defined in the "Administrative~~
17 ~~Organization Act of 1968", article 1 of this title.~~ ENTITY, AS DEFINED IN
18 SECTION 24-1-105.

19 **SECTION 205.** In Colorado Revised Statutes, 24-1-128.7,
20 **amend** (2), (3), (5), (6)(a), and (8) as follows:

21 **24-1-128.7. Department of transportation - creation - repeal.**
22 (2) The transportation commission, created by part 1 of article 1 of title
23 43, C.R.S., ~~and its powers, duties, and functions are~~ IS transferred by a
24 **type 1** transfer to the department of transportation AND EXERCISES ITS
25 POWERS, DUTIES, AND FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN
26 SECTION 24-1-105.

27 (3) The department of transportation consists of the following

1 divisions:

2 (a) THE highway maintenance division, the head of which is the
3 director of the highway maintenance division. The highway maintenance
4 division and the office of the director thereof, created by part 1 of article
5 1 of title 43, ~~C.R.S., and their powers, duties, and functions~~ are
6 transferred by a **type 2** transfer to the department of transportation AND
7 EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS UNDER THE
8 DEPARTMENT OF TRANSPORTATION AS **TYPE 2** ENTITIES, AS DEFINED IN
9 SECTION 24-1-105.

10 (b) THE aeronautics division, the head of which ~~shall be~~ IS the
11 director of the aeronautics division. The aeronautics division and the
12 office of the director thereof, created by article 10 of title 43, ~~C.R.S., and~~
13 ~~their powers, duties, and functions~~ are transferred by a **type 1** transfer to
14 the department of transportation AND EXERCISE THEIR POWERS, DUTIES,
15 AND FUNCTIONS AS **TYPE 1** ENTITIES, AS DEFINED IN SECTION 24-1-105.
16 The powers, duties, and functions of the division of aviation of the
17 department of military and veterans affairs are transferred by a **type 1**
18 transfer to the department of transportation and allocated to the
19 aeronautics division.

20 (c) THE transportation development division, the head of which
21 ~~shall be~~ IS the director of the transportation development division. The
22 transportation development division and the office of the director thereof,
23 created by part 1 of article 1 of title 43, ~~C.R.S., and their powers, duties,~~
24 ~~and functions~~ are transferred by a **type 2** transfer to the department of
25 transportation AND EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS
26 UNDER THE DEPARTMENT OF TRANSPORTATION AS **TYPE 2** ENTITIES, AS
27 DEFINED IN SECTION 24-1-105.

1 (d) THE engineering, design, and construction division, the head
2 of which ~~shall be~~ IS the chief engineer. The ~~transportation development~~
3 ~~division~~ ENGINEERING, DESIGN, AND CONSTRUCTION DIVISION <{**DOT:**
4 **Was the reference to the division here a mistake? The division is**
5 **detailed in subsection (c).**> and the office of the chief engineer, created
6 by part 1 of article 1 of title 43, ~~C.R.S., and their powers, duties, and~~
7 ~~functions~~ are transferred by a **type 2** transfer to the department of
8 transportation AND EXERCISE THEIR POWERS, DUTIES, AND FUNCTIONS
9 UNDER THE DEPARTMENT OF TRANSPORTATION AS **TYPE 2** ENTITIES, AS
10 DEFINED IN SECTION 24-1-105.

11 (e) The transit and rail division created in part 1 of article 1 of title
12 43, ~~C.R.S.~~, the head of which ~~shall be~~ IS the director of the transit and rail
13 division. The transit and rail division and the office of the director of the
14 division ~~shall exercise their powers and perform their duties and functions~~
15 ~~under the department of transportation and the executive director of the~~
16 ~~department as if the same were~~ ARE transferred ~~thereto~~ by a **type 2**
17 transfer TO THE DEPARTMENT OF TRANSPORTATION AND EXERCISE THEIR
18 POWERS, DUTIES, AND FUNCTIONS UNDER THE DEPARTMENT OF
19 TRANSPORTATION AS **TYPE 2** ENTITIES, AS DEFINED IN SECTION 24-1-105.

20 (5) The statewide bridge enterprise, created in section 43-4-805
21 (2), ~~C.R.S., shall exercise its powers and perform its duties and functions~~
22 ~~as if the same were~~ IS transferred by a **type 1** transfer ~~as defined in~~
23 ~~section 24-1-105,~~ to the department of transportation AND EXERCISES ITS
24 POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS AS A **TYPE 1** ENTITY,
25 AS DEFINED IN SECTION 24-1-105.

26 (6) (a) The high-performance transportation enterprise, created in
27 section 43-4-806 (2)(a), ~~C.R.S., shall exercise its powers and perform its~~

1 ~~duties and functions as if the same were~~ IS transferred by a **type 1** transfer
2 ~~as defined in section 24-1-105~~ to the department of transportation AND
3 EXERCISES ITS POWERS AND PERFORMS ITS DUTIES AND FUNCTIONS AS A
4 **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

5 (8) (a) The southwest chief and front range passenger rail
6 commission created in section 43-4-1001 (2)(a) ~~shall exercise its powers~~
7 ~~and perform its duties and functions as if the same were~~ IS transferred by
8 a **type 1** transfer ~~as defined in section 24-1-105~~, to the department of
9 transportation AND EXERCISES ITS POWERS, DUTIES, AND FUNCTIONS AS A
10 **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

11 (b) The southwest chief rail line economic development, rural
12 tourism, and infrastructure repair and maintenance commission created
13 in section 43-4-1001 (4) prior to the repeal and reenactment of said
14 section by Senate Bill 17-153, enacted in 2017, and its powers, duties,
15 and functions are transferred by a **type 3** transfer, as defined in section
16 24-1-105, to the southwest chief and front range passenger rail
17 commission created in section 43-4-1001 (2)(a) and the southwest chief
18 rail line economic development, rural tourism, and infrastructure repair
19 and maintenance commission is abolished.

20 **SECTION 206.** In Colorado Revised Statutes, 43-1-106, **amend**
21 (1) as follows:

22 **43-1-106. Transportation commission - powers and duties -**
23 **repeal.** (1) There is ~~hereby~~ created a transportation commission, which
24 ~~shall consist~~ CONSISTS of eleven members. ~~The initial members of the~~
25 ~~commission shall be the members of the state highway commission~~
26 ~~immediately prior to July 1, 1991, and each such commission member~~
27 ~~shall continue to represent the same district.~~ <{*DOT: Can this be deleted*

1 *as being obsolete? Appointees are spelled out in subsection (2).*}> THE
2 TRANSPORTATION COMMISSION EXERCISES ITS POWERS, DUTIES, AND
3 FUNCTIONS AS A **TYPE 1** ENTITY, AS DEFINED IN SECTION 24-1-105.

4 **SECTION 207.** In Colorado Revised Statutes, 43-1-114, **amend**
5 (2) as follows:

6 **43-1-114. Highway maintenance division - creation.** (2) The
7 highway maintenance division and the director of the division ~~shall~~
8 exercise their powers, ~~and perform their~~ duties, and functions under the
9 department and the executive director as ~~if the same were transferred to~~
10 ~~the department by a type 2 transfer, as such transfer is defined in the~~
11 ~~"Administrative Organization Act of 1968", article 1 of title 24, C.R.S.~~
12 ENTITIES, AS DEFINED IN SECTION 24-1-105.

13 **SECTION 208.** In Colorado Revised Statutes, 43-1-116, **amend**
14 (2) as follows:

15 **43-1-116. Engineering, design, and construction division -**
16 **created - duties.** (2) The engineering, design, and construction division
17 and the office of the chief engineer ~~shall~~ exercise their powers, ~~and~~
18 ~~perform their~~ duties, and functions under the department of transportation
19 and the executive director as ~~if the same were transferred to the~~
20 ~~department by a type 2 transfer, as such transfer is defined in the~~
21 ~~"Administrative Organization Act of 1968", article 1 of title 24, C.R.S.~~
22 ENTITIES, AS DEFINED IN SECTION 24-1-105.

23 **SECTION 209.** In Colorado Revised Statutes, 43-1-117, **amend**
24 (2) as follows:

25 **43-1-117. Transportation development division - created -**
26 **duties.** (2) The transportation development division and the office of the
27 director of ~~such~~ THE division ~~shall~~ exercise their powers, ~~and perform~~

1 ~~their~~ duties, and functions under the department of transportation and the
2 executive director as ~~if the same were transferred to the department by a~~
3 **type 2 transfer**, as ~~such transfer is defined in the "Administrative~~
4 ~~Organization Act of 1968", article 1 of title 24, C.R.S. ENTITIES, AS~~
5 DEFINED IN SECTION 24-1-105.

6 **SECTION 210.** In Colorado Revised Statutes, 43-1-117.5,
7 **amend** (2) as follows:

8 **43-1-117.5. Transit and rail division - created - powers and**
9 **duties.** (2) The transit and rail division and the office of the director of
10 the division ~~shall~~ exercise their powers, ~~and perform their~~ duties, and
11 functions under the department and the executive director as ~~if the same~~
12 ~~were transferred to the department by a type 2 transfer, as defined in~~
13 ~~section 24-1-105, C.R.S. ENTITIES, AS DEFINED IN SECTION 24-1-105.~~

14 **SECTION 211.** In Colorado Revised Statutes, 43-4-805, **amend**
15 (2)(a)(II) as follows:

16 **43-4-805. Statewide bridge enterprise - creation - board -**
17 **funds - powers and duties - reporting requirements - legislative**
18 **declaration.** (2) (a) (II) The bridge enterprise and the bridge enterprise
19 director ~~shall~~ exercise their powers, ~~and perform their~~ duties, AND
20 FUNCTIONS as ~~if the same were transferred to the department by a type 1~~
21 ~~transfer, as defined in section 24-1-105, C.R.S. ENTITIES, AS DEFINED IN~~
22 SECTION 24-1-105.

23 **SECTION 212.** In Colorado Revised Statutes, 43-4-806, **amend**
24 (2)(a)(III)(A) as follows:

25 **43-4-806. High-performance transportation enterprise -**
26 **creation - board - funds - powers and duties - limitations - reporting**
27 **requirements - legislative declaration.** (2) (a) (III) (A) The

1 transportation enterprise and the transportation enterprise director shall
2 exercise their powers, and perform their duties, AND FUNCTIONS as if the
3 same were transferred to the department by a **type 1 transfer**, as defined
4 in section ~~24-1-105~~, C.R.S. ENTITIES, AS DEFINED IN SECTION 24-1-105.

5 **SECTION 213.** In Colorado Revised Statutes, 43-4-1001, **amend**
6 (2)(a) introductory portion as follows:

7 **43-4-1001. Southwest chief and front range passenger rail**
8 **service in Colorado - commission - membership and powers -**
9 **definitions.** (2) (a) The southwest chief and front range passenger rail
10 commission is created in the department of transportation. The
11 commission shall exercise EXERCISES its powers, and perform its duties,
12 AND FUNCTIONS as if the same were transferred to the department by a
13 **type 1 transfer** ENTITY, as defined in section 24-1-105. The commission
14 consists of the following eleven commissioners:

15 **SECTION 214. Safety clause.** The general assembly hereby
16 finds, determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety. <{Does the
18 committee want a safety clause or an act subject to petition clause on
19 the bill?}>